

Title 43
STATE GOVERNMENT--EXECUTIVE

RCW

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Liquor control board: Chapter 66.08 RCW.

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Chapter 43.01 RCW

STATE OFFICERS--GENERAL PROVISIONS

RCW

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Performing duties without authority: RCW 42.20.030.
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Quo warranto proceedings: Chapter 7.56 RCW.
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Supreme court jurisdiction as to state officers, writs: RCW 2.04.010.
Terms: State Constitution Art. 3 § 3.
Tort claims against state: Chapter 4.92 RCW.
Usurpation of office, quo warranto proceedings: Chapter 7.56 RCW.
Venue of actions against: RCW 4.12.020.
Wage deductions for charitable contributions: RCW 41.04.035, 41.04.036.

RCW 43.01.010 Terms of office.

Applicable Cases

The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall hold office for the term of four years, and until their successors are elected and qualified; and the term shall commence on the Wednesday after the second Monday of January following their election.

[1965 c 8 § 43.01.010. Prior: 1891 c 82 § 1; RRS § 10980.]

Notes:

Term of person elected to fill vacancy: RCW 42.12.030.

Terms of office: State Constitution Art. 3 § 3.

Vacancies in office: Chapter 42.12 RCW.

RCW 43.01.015 Governor, lieutenant governor--Terms limited.

Applicable Cases

(1) No person is eligible to appear on the ballot or file a declaration of candidacy for governor who, by the end of the then current term of office will have served, or but for resignation would have served, as governor during eight of the previous fourteen years.

(2) No person is eligible to appear on the ballot or file a declaration of candidacy for lieutenant governor who, by the end of the then current term of office will have served, or but for resignation would have served, as lieutenant governor during eight of the previous fourteen years.

[1993 c 1 § 2 (Initiative Measure No. 573, approved November 3, 1992).]

Notes:

Preamble--1993 c 1 (Initiative Measure No. 573): "The people of the state of Washington find that:

(1) The people will best be served by citizen legislators who are subject to a reasonable degree of rotation in office;

(2) Entrenched incumbents have become indifferent to the conditions and concerns of the people;

(3) Entrenched incumbents have an inordinate advantage in elections because of their control of campaign finance laws and gerrymandering of electoral districts;

(4) Entrenched incumbency has discouraged qualified citizens from seeking public office;

(5) Entrenched incumbents have become preoccupied with their own reelection and devote more effort to campaigning than to making legislative decisions for the benefit of the people;

(6) Entrenched incumbents have become closely aligned with special interest groups who provide contributions and support for their reelection campaigns, give entrenched incumbents special favors, and lobby office holders for special interest legislation to the detriment of the people of this state, and may create corruption or the appearance of corruption of the legislative system;

(7) The people of Washington have a compelling interest in preventing the self-perpetuating monopoly of elective office by a dynastic ruling class.

The people of the state of Washington therefore adopt this act to limit ballot access of candidates for state and federal elections." [1993 c 1 § 1 (Initiative Measure No. 573, approved November 3, 1992).] For codification

of "this act" [1993 c 1], see Codification Tables, this volume.

Severability--1993 c 1 (Initiative Measure No. 573): "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 1 § 10 (Initiative Measure No. 573, approved November 3, 1992).]

RCW 43.01.020 Oath of office.

Applicable Cases

The governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation in substance as follows: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington, and that I will faithfully discharge the duties of the office of (name of office) to the best of my ability.

The oath or affirmation shall be administered by one of the justices of the supreme court at the capitol. A certificate shall be affixed thereto by the person administering the oath, and the oath or affirmation so certified shall be filed in the office of the secretary of state before the officer shall be qualified to discharge any official duties: PROVIDED, That the oath of the secretary of state shall be filed in the office of the state auditor.

[1965 c 8 § 43.01.020. Prior: 1909 c 43 § 1; RRS § 10981.]

Notes:

Attorney general, oath of office: RCW 43.10.010.

Commissioner of public lands, oaths of employees: RCW 79.01.056, 79.01.068.

Court commissioners, oath of office: RCW 2.24.020.

Election officials, oaths required: RCW 29.45.080 through 29.45.110.

Engineers and land surveyors' board of registration, oath required: RCW 18.43.030.

Horse racing commission, oath of office: RCW 67.16.012.

Judges of superior court, oath of office: State Constitution Art. 4 § 28; RCW 2.08.080, 2.08.180.

Judges of supreme court, oath of office: State Constitution Art. 4 § 28; RCW 2.04.080.

Liquor control board, oath of office: RCW 66.08.014.

Militia, oath of office: RCW 38.12.150, 38.12.160.

Oaths, mode of administering: State Constitution Art. 1 § 6.

Perjury, oath defined: RCW 9A.72.010.

State administrative officers, oath required: RCW 43.17.030.

State auditor, oath of office: RCW 43.09.010.

State treasurer, oath of office: RCW 43.08.020.

Subversive activities, oath required of public officers and employees: RCW 9.81.070.

University of Washington, board of regents, oath required: RCW 28B.10.520.

Utilities and transportation commission: RCW 80.01.020.

Washington State University, board of regents: RCW 28B.10.520.

RCW 43.01.035 Reports--Periods to be covered.

Applicable Cases

All biennial reports to the legislature and the governor shall cover the period comprising the first full fiscal year of the then current biennium and the last full fiscal year of the biennium immediately preceding. All annual reports to the governor shall cover the full fiscal year

immediately preceding the date of said report.

[1965 c 8 § 43.01.035. Prior: 1953 c 184 § 3.]

RCW 43.01.040 Vacations--Computation and accrual--Transfer--Statement of necessity required for extension of unused leave.

Applicable Cases

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: PROVIDED, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred.

[1984 c 184 § 19; 1982 1st ex.s. c 51 § 2; 1965 ex.s. c 13 § 1; 1965 c 8 § 43.01.040. Prior: 1955 c 140 § 1; 1921 c 7 § 133; RRS § 10891.]

Notes:

Severability--1984 c 184: See note following RCW 41.50.150.

Savings--1982 1st ex.s. c 51: "This act shall not have the effect of terminating or modifying any rights acquired under a contract in existence prior to the effective date of this act." [1982 1st ex.s. c 51 § 4.]

Effective date--1982 1st ex.s. c 51: "This act shall take effect July 1, 1982." [1982 1st ex.s. c 51 § 5.]

Severability--1982 1st ex.s. c 51: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 51 § 6.]

Military leaves of absence: RCW 38.40.060.

RCW 43.01.041 Accrued vacation leave--Payment upon termination of employment.

Applicable Cases

Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death, reduction in force, resignation, dismissal, or retirement, and who have accrued vacation leave as specified in RCW 43.01.040 or 43.01.044, shall be paid therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination. Annual leave accumulated under RCW 43.01.044 is not to be included in the computation of retirement benefits.

Should the legislature revoke any benefits or rights provided under *this 1985 act, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right.

[1985 c 292 § 1; 1984 c 184 § 20; 1982 1st ex.s. c 51 § 3; 1965 c 8 § 43.01.041. Prior: 1955 c 140 § 2.]

Notes:

***Reviser's note:** The term "this 1985 act" consists of the 1985 c 292 amendment to RCW 43.01.041.

Severability--1984 c 184: See note following RCW 41.50.150.

Savings--Effective date--Severability--1982 1st ex.s. c 51: See notes following RCW 43.01.040.

RCW 43.01.042 Vacations--State institutions of higher learning.

Applicable Cases

State institutions of higher learning may prescribe such rules and regulations as they may determine governing vacation leave for academic and professional personnel.

[1965 c 8 § 43.01.042. Prior: 1955 c 140 § 3.]

RCW 43.01.043 Vacations--Rules and regulations.

Applicable Cases

The several offices, departments and institutions of the state government may prescribe supplemental rules and regulations that are not inconsistent with the provisions of RCW 43.01.040 through 43.01.043 with respect to vacation leave of subordinate officers and employees thereof.

[1965 c 8 § 43.01.043. Prior: 1955 c 140 § 4.]

RCW 43.01.044 Vacations--Accumulation of leave in excess of thirty days authorized without statement of necessity--Requirements of statement of necessity.

Applicable Cases

As an alternative, in addition to the provisions of RCW 43.01.040 authorizing the accumulation of vacation leave in excess of thirty days with the filing of a statement of necessity, vacation leave in excess of thirty days may also be accumulated as provided in this section but without the filing of a statement of necessity. The accumulation of leave under this alternative method shall be governed by the following provisions:

- (1) Each subordinate officer and employee of the several offices, departments, and

institutions of state government may accumulate the vacation leave days between the time thirty days is accrued and his or her anniversary date of state employment.

(2) All vacation days accumulated under this section shall be used by the anniversary date and at a time convenient to the employing office, department, or institution. If an officer or employee does not use the excess leave by the anniversary date, then such leave shall be automatically extinguished and considered to have never existed.

(3) This section shall not result in any increase in a retirement allowance under any public retirement system in this state.

(4) Should the legislature revoke any benefits or rights provided under this section, no affected officer or employee shall be entitled thereafter to receive such benefits or exercise such rights as a matter of contractual right.

(5) Vacation leave credit acquired and accumulated under this section shall never, regardless of circumstances, be deferred by the employing office, department or institution by filing a statement of necessity under the provisions of RCW 43.01.040.

(6) Notwithstanding any other provision of this chapter, on or after July 24, 1983, a statement of necessity for excess leave, shall as a minimum, include the following: (a) the specific number of days of excess leave; and (b) the date on which it was authorized. A copy of any such authorization shall be sent to the department of retirement systems.

[1983 c 283 § 1.]

RCW 43.01.045 Vacations--Provisions not applicable to officers and employees of state convention and trade center.

Applicable Cases

The provisions of RCW 43.01.040 through 43.01.044 shall not be applicable to the officers and employees of the nonprofit corporation formed under chapter 67.40 RCW.

[1984 c 210 § 4.]

Notes:

Savings--Severability--1984 c 210: See notes following RCW 67.40.020.

RCW 43.01.050 Daily remittance of moneys to treasury--Undistributed receipts account--Use.

Applicable Cases

Each state officer or other person, other than county treasurer, who is authorized by law to collect or receive moneys which are required by statute to be deposited in the state treasury shall transmit to the state treasurer each day, all such moneys collected by him on the preceding day: PROVIDED, That the state treasurer may in his discretion grant exceptions where such daily transfers would not be administratively practical or feasible. In the event that remittances are not accompanied by a statement designating source and fund, the state treasurer shall deposit these moneys in an account hereby created in the state treasury to be known as the undistributed receipts account. These moneys shall be retained in the account until such time as the transmitting agency provides a statement in duplicate of the source from which each item of

money was derived and the fund into which it is to be transmitted. The director of financial management in accordance with RCW 43.88.160 shall promulgate regulations designed to assure orderly and efficient administration of this account. In the event moneys are deposited in this account that constitute overpayments, refunds may be made by the remitting agency without virtue of a legislative appropriation.

[1985 c 57 § 26; 1981 2nd ex.s. c 4 § 5; 1979 c 151 § 80; 1967 c 212 § 1; 1965 c 8 § 43.01.050. Prior: 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

Commissioner of public lands and department of natural resources, deposit of funds: RCW 43.85.130.

State depositaries: Chapter 43.85 RCW.

RCW 43.01.060 Daily remittance of moneys to treasury--Treasurer's duty on default.

Applicable Cases

The state treasurer shall inform the governor of any failure on the part of any officer to comply with the provisions of RCW 43.01.050.

[1965 c 8 § 43.01.060. Prior: 1907 c 96 § 2; RRS § 5502.]

RCW 43.01.070 Daily remittance of moneys to treasury--Liability of officers for noncompliance.

Applicable Cases

If any officer fails to comply with the provisions of RCW 43.01.050, he shall be liable to the state upon his official bond in a sum equal to ten percent annual interest on the funds for such time as he retained them.

[1965 c 8 § 43.01.070. Prior: 1907 c 96 § 3; RRS § 5503.]

RCW 43.01.072 Refund of fees or other payments collected by state.

Applicable Cases

Whenever any law which provides for the collection of fees or other payments by a state agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the state agency which collected the fees or payments of all such amounts received by the state agency in consequence of error, either of fact or of law as to: (1) The proper amount of such fee or payments; (2) The necessity of making or securing a permit, filing, examination or inspection; (3) The sufficiency of the credentials of an applicant; (4) The eligibility of an applicant for any other reason; (5) The necessity for the payment.

[1965 c 8 § 43.01.072. Prior: 1955 c 224 § 1.]

Notes:

Refunds of fees or other payments, budget and accounting system: RCW 43.88.170.

RCW 43.01.073 Refund of fees or other payments collected by state--Voucher.

Applicable Cases

Any state agency desiring to authorize such a refund shall file with the state treasurer a voucher naming the payee and giving full particulars as to the reason for the refund and the fund in the treasury to which it was credited.

[1965 c 8 § 43.01.073. Prior: 1955 c 224 § 2.]

RCW 43.01.074 Refund of fees or other payments collected by state--Warrant.

Applicable Cases

Payment of such refunds shall be by warrant issued by the state treasurer against the fund in the state treasury to which the erroneous or excessive payment was credited or from any other appropriation made for such refund.

[1965 c 8 § 43.01.074. Prior: 1955 c 224 § 3.]

Notes:

Appropriation, when not required for refunds: RCW 43.88.180.

RCW 43.01.075 Refund of fees or other payments collected by state--Limitation where amount is two dollars or less.

Applicable Cases

No such refund shall be authorized by a state agency where the amount is two dollars or less unless demand for the refund is made within six months from the date the erroneous or excessive payment was made.

[1965 c 8 § 43.01.075. Prior: 1955 c 224 § 4.]

RCW 43.01.090 Departments to share occupancy costs--Capital projects surcharge.

Applicable Cases

The director of general administration may assess a charge or rent against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportionate share of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of acquiring, constructing, operating, and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by periodic billings as determined by the director including but not limited to transfers upon accounts and advancements into the general administration services account. Charges related to the rendering of real estate services under RCW 43.82.010 and to the operation of nonassigned public spaces in Thurston county shall be allocated separately from other charges assessed under this section. Rates shall be established by the director of general administration after consultation with the director of financial management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided:

PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration services account unless the director of financial management has authorized another method for payment of costs.

Beginning July 1, 1995, the director of general administration shall assess a capital projects surcharge upon each agency or other user occupying a facility owned and managed by the department of general administration in Thurston county. The capital projects surcharge does not apply to agencies or users that agree to pay all future repairs, improvements, and renovations to the buildings they occupy and a proportional share, as determined by the office of financial management, of all other campus repairs, installations, improvements, and renovations that provide a benefit to the buildings they occupy or that have an agreement with the department of general administration that contains a charge for a similar purpose, including but not limited to RCW 43.01.091, in an amount greater than the capital projects surcharge. The director, after consultation with the director of financial management, shall adopt differential capital project surcharge rates to reflect the differences in facility type and quality. The initial payment structure for this surcharge shall be one dollar per square foot per year. The surcharge shall increase over time to an amount that when combined with the facilities and service charge equals the market rate for similar types of lease space in the area or equals five dollars per square foot per year, whichever is less. The capital projects surcharge shall be in addition to other charges assessed under this section. Proceeds from the capital projects surcharge shall be deposited into the Thurston county capital facilities account created in RCW 43.19.501.

[1998 c 105 § 5; 1994 c 219 § 16; 1991 sp.s. c 31 § 10; 1979 c 151 § 81; 1973 1st ex.s. c 82 § 1; 1971 ex.s. c 159 § 1; 1965 c 8 § 43.01.090. Prior: (i) 1951 c 131 § 1; 1941 c 228 § 1; Rem. Supp. 1941 § 10964-30. (ii) 1951 c 131 § 1; 1941 c 228 § 2; Rem. Supp. 1941 § 10964-31.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Findings--Purpose--1994 c 219: "The legislature finds that there is inequitable distribution among state programs of capital costs associated with maintaining and rehabilitating state facilities. The legislature finds that there are insufficient available resources to support even minor capital improvements other than debt financing. The legislature further finds that little attention is focused on efficient facility management because in many cases capital costs are not factored into the ongoing process of allocating state resources. The purpose of sections 16 through 18, chapter 219, Laws of 1994 is to create a mechanism to distribute capital costs among the agencies and programs occupying facilities owned and managed by the department of general administration in Thurston county that will foster increased accountability for facility decisions and more efficient use of the facilities." [1994 c 219 § 15.]

Finding--1994 c 219: See note following RCW 43.88.030.

Severability--1991 sp.s. c 31: See RCW 43.991.900.

Effective date--1973 1st ex.s. c 82: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1973." [1973 1st ex.s. c 82 § 2.]

Agricultural commodity commissions exempt: RCW 15.04.200.

General administration services account: RCW 43.19.500.

Housing for state offices, departments, and institutions: Chapter 43.82 RCW.

RCW 43.01.091 Departments to share debt service costs.

Applicable Cases

It is hereby declared to be the policy of the state of Washington that each agency or other occupant of newly constructed or substantially renovated facilities owned and operated by the department of general administration in Thurston county shall proportionally share the debt service costs associated with the original construction or substantial renovation of the facility. Beginning July 1, 1995, each state agency or other occupant of a facility constructed or substantially renovated after July 1, 1992, and owned and operated by the department of general administration in Thurston county, shall be assessed a charge to pay the principal and interest payments on any bonds or other financial contract issued to finance the construction or renovation or an equivalent charge for similar projects financed by cash sources. In recognition that full payment of debt service costs may be higher than market rates for similar types of facilities or higher than existing agreements for similar charges entered into prior to June 9, 1994, the initial charge may be less than the full cost of principal and interest payments. The charge shall be assessed to all occupants of the facility on a proportional basis based on the amount of occupied space or any unique construction requirements. The office of financial management, in consultation with the department of general administration, shall develop procedures to implement this section and report to the legislative fiscal committees, by October 1994, their recommendations for implementing this section. The office of financial management shall separately identify in the budget document all payments and the documentation for determining the payments required by this section for each agency and fund source during the current and the two past and future fiscal biennia. The charge authorized in this section is subject to annual audit by the state auditor.

[1994 c 219 § 19.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

Budget document: RCW 43.88.030.

General administration services: RCW 43.19.500.

RCW 43.01.100 Application forms--Employment--Licenses--Mention of race or religion prohibited.

Applicable Cases

The inclusion of any question relative to an applicant's race or religion in any application blank or form for employment or license required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state or the disclosure on any license of the race or religion of the licensee is hereby prohibited.

[1965 c 8 § 43.01.100. Prior: 1955 c 87 § 1.]

Notes:

Discrimination--Human rights commission: Chapter 49.60 RCW.

Subversive activities, public officials and employees: Chapter 9.81 RCW.

RCW 43.01.110 Penalty for violation of RCW 43.01.100.

Applicable Cases

Any person who shall violate RCW 43.01.100 shall be guilty of a misdemeanor.

[1965 c 8 § 43.01.110. Prior: 1955 c 87 § 2.]

RCW 43.01.120 Accidental death and dismemberment coverage during aircraft flights for state officers, employees, and legislators.

Applicable Cases

The departments of state government are authorized to procure at state expense accidental death and dismemberment coverage not to exceed one hundred thousand dollars per person for the benefit of state employees and state elected officials, including legislators, while they are, in the course of their employment, passengers on or crew members of any nonscheduled aircraft flight.

[1967 ex.s. c 6 § 1; 1965 ex.s. c 68 § 1.]

RCW 43.01.125 Duty to identify employees whose performance warrants termination from employment.

Applicable Cases

It is the responsibility of each agency head to institute management procedures designed to identify any agency employee, either supervisory or nonsupervisory, whose performance is so inadequate as to warrant termination from state employment. In addition, it is the responsibility of each agency head to remove from a supervisory position any supervisor within the agency who has tolerated the continued employment of any employee under his or her supervision whose performance has warranted termination from state employment.

[1985 c 461 § 15.]

Notes:

Severability--1985 c 461: See note following RCW 41.06.020.

Adoption of rules to remove supervisors tolerating deficient employees: RCW 41.06.196.

RCW 43.01.150 Power to employ or appoint personnel not to include authority to provide state owned or leased motor vehicle.

Applicable Cases

Notwithstanding any other provision of law, whenever any state agency, institution of higher education, or other appointing authority is empowered to employ or appoint administrators or other personnel and to fix their compensation, such power, in the absence of a specific contrary statutory authorization to the agency, institution of higher education, or appointing authority, shall not extend to the power to provide a state owned or leased motor vehicle for any use other than official state business.

[1975 1st ex.s. c 33 § 1.]

Notes:

Providing motor vehicle transportation services for public employees: RCW 43.19.560 through 43.19.635.

RCW 43.01.160 State publications to be in gender-neutral terms--Exception--Effect of noncompliance.

Applicable Cases

(1) All rules and directory or advisory publications issued, adopted, or amended by state officers or agencies, as defined by RCW 41.06.020, after July 1, 1983, shall be written in gender-neutral terms unless a specification of gender is intended.

(2) No rule or publication is invalid because it does not comply with this section.

[1983 c 20 § 2.]

Notes:

Intent--1983 c 20: "It is the intent of the legislature to have the state's statutes, rules, and official communications expressed in gender-neutral terms." [1983 c 20 § 1.]

Statutes, memorials, and resolutions: RCW 44.04.210.

RCW 43.01.200 Facilitating recovery from Mt. St. Helens eruption--Legislative findings--Purpose.

Applicable Cases

(1) The legislature finds that:

(a) The May 1980 eruption of Mount St. Helens has caused serious economic and physical damage to the land surrounding the mountain;

(b) There are continuing siltation problems which could severely affect the Toutle, Cowlitz, Coweeman, and Columbia rivers areas;

(c) There is an immediate need for sites for dredging, dredge spoils, flood control works, sediment retention, and bank protection and funds for dredging, dredge sites, dredge spoils sites, flood control works, sediment retention sites, and bank protection and to continue the rehabilitation of the areas affected by the natural disaster; and

(d) Failure to dredge and dike along the rivers and failure to cooperate with the federal government in sediment retention would directly affect the lives and property of the forty-five thousand residents in the Cowlitz and Toutle River valleys with severe negative impacts on local, state, and national transportation systems, public utilities, public and private property, and the Columbia river which is one of the major navigation channels for world-wide commerce.

(2) The intent of RCW 36.01.150, 43.01.210, *43.21A.500, 43.21C.500, 75.20.300, 89.16.500, and 90.58.500, their 1983 amendments, and RCW 43.01.215 is to authorize and direct maximum cooperative effort to meet the problems noted in subsection (1) of this section.

[1985 c 307 § 1; 1983 1st ex.s. c 1 § 1; 1982 c 7 § 1.]

Notes:

***Reviser's note:** RCW 43.21A.500, 43.21C.500, 75.20.300, 89.16.500, and 90.58.500 expired June 30, 1995.

Severability--1983 1st ex.s. c 1: "If any provision of this act or its application to any person or

circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 1st ex.s. c 1 § 10.]

Severability--1982 c 7: See note following RCW 36.01.150.

RCW 43.01.210 Facilitating recovery from Mt. St. Helens eruption--Scope of state agency action.

Applicable Cases

State agencies shall take action as follows to facilitate recovery from the devastation of the eruption of Mt. St. Helens:

(1) The department of transportation may secure any lands or interest in lands by purchase, exchange, lease, eminent domain, or donation for dredge sites, dredge spoils sites, flood control works, sediment retention works, or bank protection;

(2) The commissioner of public lands may by rule declare any public lands found to be damaged by the eruption of Mt. St. Helens, directly or indirectly, as surplus to the needs of the state and may dispose of such lands pursuant to Title 79 RCW to public or private entities for development, park and recreation uses, open space, or fish and wildlife habitat;

(3) All state agencies shall cooperate with local governments, the United States army corps of engineers, and other agencies of the federal government in planning for dredge site selection and dredge spoils removal, and in all other phases of recovery operations;

(4) The department of transportation shall work with the counties concerned on site selection and site disposition in cooperation with the army corps of engineers; and

(5) State agencies may assist the army corps of engineers in the dredging and dredge spoils deposit operations.

[1985 c 307 § 2; 1983 1st ex.s. c 1 § 2; 1982 c 7 § 2.]

Notes:

Severability--1983 1st ex.s. c 1: See note following RCW 43.01.200.

Severability--1982 c 7: See note following RCW 36.01.150.

Facilitating recovery from Mt. St. Helens eruption--Scope of local government action: RCW 36.01.150.

RCW 43.01.215 Facilitating recovery from Mt. St. Helens eruption--Precedence of court proceedings under RCW 43.01.210--Finality of order under RCW 8.04.070--Appeal.

Applicable Cases

(1) Court proceedings necessary to acquire property or property rights for purposes of RCW 43.01.210 take precedence over all other causes, including those expedited under the provisions of RCW 47.52.060, in all courts to the end that the provision of lands for dredge sites, dredge spoils sites, flood control works, or bank protection may be expedited.

(2) An order entered under RCW 8.04.070 relating to the acquisition of land under RCW 43.01.210 is final unless review of the order is taken to the supreme court within five days after entry of the order. Such an appeal shall be certified by the trial court to the supreme court. Upon certification, the supreme court shall assign the appeal for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible.

[1983 1st ex.s. c 1 § 8.]

Notes:

Severability--1983 1st ex.s. c 1: See note following RCW 43.01.200.

RCW 43.01.220 Commute trip reduction--Parking revenue--Definitions.

Applicable Cases

The definitions in this section apply throughout this chapter.

(1) "Guaranteed ride home" means an assured ride home for commuters participating in a commute trip reduction program who are not able to use their normal commute mode because of personal emergencies.

(2) "Pledged" means parking revenue designated through any means, including moneys received from the natural resource building, which is used for the debt service payment of bonds issued for parking facilities.

[1993 c 394 § 2.]

Notes:

Finding--Purpose--1993 c 394: "The legislature finds that reducing the number of commute trips to work is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. The legislature intends that state agencies shall assume a leadership role in implementing programs to reduce vehicle miles traveled and single-occupant vehicle commuting, under RCW 70.94.521 through 70.94.551.

The legislature has established and directed an interagency task force to consider mechanisms for funding state agency commute trip reduction programs; and to consider and recommend policies for employee incentives for commuting by other than single-occupant vehicles, and policies for the use of state-owned vehicles.

It is the purpose of this act to provide state agencies with the authority to provide employee incentives, including subsidies for use of high occupancy vehicles to meet commute trip reduction goals, and to remove existing statutory barriers for state agencies to use public funds, including parking revenue, to operate, maintain, lease, or construct parking facilities at state-owned and leased facilities, to reduce parking subsidies, and to support commute trip reduction programs." [1993 c 394 § 1.]

RCW 43.01.225 Commute trip reduction--Parking revenue--State vehicle parking account.

Applicable Cases

There is hereby established an account in the state treasury to be known as the "state vehicle parking account." All parking rental income resulting from parking fees established by the department of general administration under RCW 46.08.172 at state-owned or leased property shall be deposited in the "state vehicle parking account." Revenue deposited in the "state vehicle parking account" shall be first applied to pledged purposes. Unpledged parking revenues deposited in the "state vehicle parking account" may be used to:

(1) Pay costs incurred in the operation, maintenance, regulation, and enforcement of vehicle parking and parking facilities;

(2) Support the lease costs and/or capital investment costs of vehicle parking and parking facilities; and

(3) Support agency commute trip reduction programs under RCW 70.94.521 through 70.94.551.

[1995 c 215 § 2; 1993 c 394 § 5.]

Notes:

Finding--Purpose--1993 c 394: See note following RCW 43.01.220.

RCW 43.01.230 Commute trip reduction--Use of public funds.

Applicable Cases

State agencies may, under the internal revenue code rules, use public funds to financially assist agency-approved incentives for alternative commute modes, including but not limited to carpools, vanpools, purchase of transit and ferry passes, and guaranteed ride home programs, if the financial assistance is an element of the agency's commute trip reduction program as required under RCW 70.94.521 through 70.94.551. This section does not permit any payment for the use of state-owned vehicles for commuter ride sharing.

[1995 c 215 § 1; 1993 c 394 § 6.]

Notes:

Finding--Purpose--1993 c 394: See note following RCW 43.01.220.

RCW 43.01.235 Commute trip reduction--Higher education institutions--Exemption.

Applicable Cases

All state higher education institutions are exempt from RCW 43.01.225.

[1993 c 394 § 7.]

Notes:

Finding--Purpose--1993 c 394: See note following RCW 43.01.220.

RCW 43.01.236 Commute trip reduction--Institutions of higher education--Exemption.

Applicable Cases

All institutions of higher education as defined under RCW 28B.10.016 are exempt from the requirements under RCW 43.01.240.

[1998 c 344 § 8; 1997 c 273 § 3; 1995 c 215 § 5.]

Notes:

Intent--Findings--1998 c 344: See note following RCW 28B.38.010.

RCW 43.01.240 State agency parking account--Parking rental fees--Employee parking, limitations.

Applicable Cases

(1) There is hereby established an account in the state treasury to be known as the state agency parking account. All parking income collected from the fees imposed by state agencies on parking spaces at state-owned or leased facilities, including the capitol campus, shall be deposited in the state agency parking account. Only the office of financial management may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. No agency may receive an

allotment greater than the amount of revenue deposited into the state agency parking account.

(2) An agency may, as an element of the agency's commute trip reduction program to achieve the goals set forth in RCW 70.94.527, impose parking rental fees at state-owned and leased properties. These fees will be deposited in the state agency parking account. Each agency shall establish a committee to advise the agency director on parking rental fees, taking into account the market rate of comparable, privately owned rental parking in each region. The agency shall solicit representation of the employee population including, but not limited to, management, administrative staff, production workers, and state employee bargaining units. Funds shall be used by agencies to: (a) Support the agencies' commute trip reduction program under RCW 70.94.521 through 70.94.551; (b) support the agencies' parking program; or (c) support the lease or ownership costs for the agencies' parking facilities.

(3) In order to reduce the state's subsidization of employee parking, after July 1997 agencies shall not enter into leases for employee parking in excess of building code requirements, except as authorized by the director of general administration. In situations where there are fewer parking spaces than employees at a worksite, parking must be allocated equitably, with no special preference given to managers.

[1998 c 245 § 46; 1995 c 215 § 3.]

Chapter 43.03 RCW SALARIES AND EXPENSES

RCW

43.03.010	Salaries of elective state officers.
43.03.011	Salaries of state elected officials of the executive branch.
43.03.012	Salaries of judges.
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43.03.180	Advance payment of travel expenses--Itemized travel expense voucher to be

- submitted--Repayment of unexpended portion of advance--Default.
- 43.03.190 Advance payment of travel expenses--Lien against and right to withhold funds payable until proper accounting or repaying of advance made.
- 43.03.200 Advance payment of travel expenses--Advances construed.
- 43.03.210 Advance payment of travel expenses--Director of financial management to prescribe rules and regulations to carry out RCW 43.03.150 through 43.03.210.
- 43.03.220 Compensation of members of part-time boards and commissions--Class one groups.
- 43.03.230 Compensation of members of part-time boards and commissions--Class two groups.
- 43.03.240 Compensation of members of part-time boards and commissions--Class three groups.
- 43.03.250 Compensation of members of part-time boards and commissions--Class four groups.
- 43.03.265 Compensation of members of part-time boards and commissions--Class five groups.
- 43.03.300 Salaries of elected state officials--Legislative declaration--Purpose.
- 43.03.305 Washington citizens' commission on salaries for elected officials--Generally.
- 43.03.310 Duties of citizens' commission--Travel expenses--Chair--Schedule of salaries--Publication--Hearings.

Notes:

Compensation for unofficial services permitted: RCW 42.04.070.

Compensation not to be changed during term: State Constitution Art. 2 § 25, Art. 3 § 25, Art. 28 § 1.

Free transportation prohibited: State Constitution Art. 2 § 39, Art. 12 § 20.

Salaries of state officers, payable semimonthly: RCW 42.16.010.

RCW 43.03.010 Salaries of elective state officers.

Applicable Cases

The annual salaries of the following named state elected officials shall be prescribed by the Washington citizens' commission on salaries for elected officials: Governor; lieutenant governor: PROVIDED, That in arriving at the annual salary of the lieutenant governor the commission shall prescribe a fixed amount plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state; state treasurer; state auditor; attorney general; superintendent of public instruction; commissioner of public lands; and state insurance commissioner. Members of the legislature shall receive for their service per annum the amount prescribed by the Washington citizens' commission on salaries for elected officials; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.

[1989 c 10 § 8. Prior: 1986 c 161 § 1; 1986 c 155 § 8; 1983 1st ex.s. c 29 § 3; 1979 ex.s. c 255 § 1; 1977 ex.s. c 318 § 1; 1975-'76 2nd ex.s. c 113 § 1; 1975 1st ex.s. c 263 § 1; 1974 ex.s. c 149 § 2 (Initiative Measure No. 282, approved November 6, 1973); 1967 ex.s. c 100 § 1; 1965 ex.s. c 127 § 4; 1965 c 8 § 43.03.010; prior: 1965 c 1 § 2; 1961 c 5 § 1; 1959 c 316 § 1; 1949 c 48 § 1; Rem. Supp. 1949 § 10965-1; prior: 1947 c 79 § .02.04; 1945 c 116 § 1; 1939 c 226 § 1; 1925 ex.s. c 163 § 1; 1925 ex.s. c 90 § 1; 1919 c 124 §§ 1, 2; 1907 c 94 § 1.]

Notes:

Effective date--1986 c 161 § 1: "Section 1 of this act shall take effect on January 1, 1987." [1986 c 161 §

3.] "Section 1 of this act" is the 1986 c 161 amendment to RCW 43.03.010.

Severability--1986 c 161: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 161 § 5.]

Contingent effective date--Severability--1986 c 155: See notes following RCW 43.03.300.

Effective date--1979 ex.s. c 255: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1979." [1979 ex.s. c 255 § 11.]

Effective date--1977 ex.s. c 318: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977." [1977 ex.s. c 318 § 7.]

Severability--1975 1st ex.s. c 263: "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 263 § 7.]

Effective date--1975 1st ex.s. c 263: "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 263 § 8.]

Severability--1974 ex.s. c 149 (Initiative Measure No. 282): "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1974 ex.s. c 149 § 7 (Initiative Measure No. 282).]

Construction--1965 ex.s. c 127: "The salary increases provided for herein shall take effect at the earliest time allowable by the Constitution of the state of Washington, including Article II, section 13, Article II, section 25, Article IV, section 13, and Article XXVIII: PROVIDED, That it is the intent of the legislature that nothing in this act shall render a member of the legislature or of the judiciary ineligible to file for and be elected to the legislature or the judiciary respectively." [1965 ex.s. c 127 § 5.]

Salaries of elected officials: State Constitution Art. 28 § 1.

Washington citizens' commission on salaries for elected officials: RCW 43.03.305.

RCW 43.03.011 Salaries of state elected officials of the executive branch.

Applicable Cases

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

(1) Effective September 1, 1997:

(a) Governor.	\$ 121,000
(b) Lieutenant governor.	\$ 62,700
(c) Secretary of state.	\$ 69,000
(d) Treasurer.	\$ 84,100
(e) Auditor.	\$ 84,100
(f) Attorney general.	\$ 93,000
(g) Superintendent of public instruction.	\$ 86,600
(h) Commissioner of public lands.	\$ 86,600
(i) Insurance commissioner.	\$ 77,200

(2) Effective September 1, 1999:

(a) Governor.	\$ 132,000
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(b) Lieutenant governor.	\$ 69,000
(c) Secretary of state.	\$ 75,900
(d) Treasurer.	\$ 92,500
(e) Auditor.	\$ 95,200
(f) Attorney general.	\$ 120,000
(g) Superintendent of public instruction.	\$ 94,394
(h) Commissioner of public lands.	\$ 94,394
(i) Insurance commissioner.	\$ 86,000
(3) Effective September 1, 2000:	
(a) Governor.	\$ 135,960
(b) Lieutenant governor.	\$ 71,070
(c) Secretary of state.	\$ 78,177
(d) Treasurer.	\$ 95,275
(e) Auditor.	\$ 95,275
(f) Attorney general.	\$ 123,600
(g) Superintendent of public instruction.	\$ 97,226
(h) Commissioner of public lands.	\$ 97,226
(i) Insurance commissioner.	\$ 88,580

(4) The lieutenant governor shall receive the fixed amount of his salary plus 1/260th of the difference between his salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

[1999 1st sp.s. c 3 § 1; 1997 c 458 § 1; 1995 2nd sp.s. c 1 § 1; 1993 sp.s. c 26 § 1; 1991 sp.s. c 1 § 1; 1989 2nd ex.s. c 4 § 1; 1987 1st ex.s. c 1 § 1, part.]

RCW 43.03.012 Salaries of judges.

Applicable Cases

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

(1) Effective September 1, 1997:	
(a) Justices of the supreme court.	\$ 112,078
(b) Judges of the court of appeals.	\$ 106,537
(c) Judges of the superior court.	\$ 100,995
(d) Full-time judges of the district court.	\$ 96,082
(2) Effective September 1, 1999:	
(a) Justices of the supreme court.	\$ 120,000
(b) Judges of the court of appeals.	\$ 114,000
(c) Judges of the superior court.	\$ 108,300
(d) Full-time judges of the district court.	\$ 102,885

(3) Effective September 1, 2000:

- (a) Justices of the supreme court. \$ 123,600
- (b) Judges of the court of appeals. \$ 117,420
- (c) Judges of the superior court. \$ 111,549
- (d) Full-time judges of the district court. . . . \$ 105,972

(4) The salary for a part-time district court judge shall be the proportion of full-time work for which the position is authorized, multiplied by the salary for a full-time district court judge.

[1999 1st sp.s. c 3 § 2; 1997 c 458 § 2; 1995 2nd sp.s. c 1 § 2; 1993 sp.s. c 26 § 2; 1991 sp.s. c 1 § 2; 1989 2nd ex.s. c 4 § 2; 1987 1st ex.s. c 1 § 1, part.]

RCW 43.03.013 Salaries of members of the legislature.

Applicable Cases

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

(1) Effective September 1, 1997:

- (a) Legislators. \$ 28,300
- (b) Speaker of the house. \$ 36,300
- (c) Senate majority leader. \$ 32,300
- (d) Senate minority leader. \$ 32,300
- (e) House minority leader \$ 32,300

(2) Effective September 1, 1999:

- (a) Legislators. \$ 31,130
- (b) Speaker of the house. \$ 39,130
- (c) Senate majority leader. \$ 35,130
- (d) Senate minority leader. \$ 35,130
- (e) House minority leader \$ 35,130

(3) Effective September 1, 2000:

- (a) Legislators. \$ 32,064
- (b) Speaker of the house. \$ 40,064
- (c) Senate majority leader. \$ 36,064
- (d) Senate minority leader. \$ 36,064
- (e) House minority leader. \$ 36,064

[1999 1st sp.s. c 3 § 3; 1997 c 458 § 3; 1995 2nd sp.s. c 1 § 3; 1993 sp.s. c 26 § 3; 1991 sp.s. c 1 § 3; 1989 2nd ex.s. c 4 § 3; 1987 1st ex.s. c 1 § 1, part.]

RCW 43.03.015 Emoluments of office for appointees to office of state legislator.

Applicable Cases

Any person appointed to fill a vacancy that may occur in either the senate or house of representatives of the state legislature, prior to his qualification at the next succeeding regular or special session of the legislature shall be entitled to the same emoluments of office as the duly elected member whom he succeeded.

[1967 ex.s. c 100 § 2.]

Notes:

Eligibility of member of legislature to appointment or election to office of official whose salary was increased during legislator's term: RCW 3.58.010.

RCW 43.03.020 Expenses of lieutenant governor acting as governor.

Applicable Cases

Whenever by reason of the absence from the state or the disability of the governor, the lieutenant governor is called upon temporarily to perform the duties of the office of governor, he shall be paid upon his personal voucher therefor the sum of ten dollars per day for expenses.

[1965 c 8 § 43.03.020. Prior: 1919 c 118 § 1; RRS § 10979.]

RCW 43.03.027 Salaries of public officials--State policy enunciated.

Applicable Cases

It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of RCW 43.03.027, 43.03.028, 43.03.040, 43.03.045 and *43.03.047 to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries.

[1970 ex.s. c 43 § 1.]

Notes:

***Reviser's note:** RCW 43.03.047 was repealed by 1986 c 155 § 14, effective January 1, 1987. See note following RCW 43.03.300.

Severability--1970 ex.s. c 43: "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected." [1970 ex.s. c 43 § 7.]

RCW 43.03.028 State committee on agency officials' salaries--Members--Duties--Reports.

Applicable Cases

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several

departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian Pacific American affairs; the *state board for volunteer fire fighters; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

[1995 c 67 § 1. Prior: 1993 c 281 § 45; 1993 c 101 § 14; 1991 c 3 § 294; 1988 c 167 § 9; prior: 1987 c 504 § 15; 1987 c 249 § 7; 1986 c 155 § 9; 1982 c 163 § 21; 1980 c 87 § 20; prior: 1977 ex.s. c 127 § 1; 1977 c 75 § 36; 1970 ex.s. c 43 § 2; 1967 c 19 § 1; 1965 c 8 § 43.03.028; prior: 1961 c 307 § 1; 1955 c 340 § 1.]

Notes:

***Reviser's note:** The "state board for volunteer fire fighters" was changed to the "state board for volunteer fire fighters and reserve officers" by 1999 c 148 § 23.

Effective date--1993 c 281: See note following RCW 41.06.022.

Findings--1993 c 101: See note following RCW 27.34.010.

Severability--Effective date--1993 c 101: See RCW 27.34.915 and 27.34.916.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--Effective date--1987 c 504: See RCW 43.105.901 and 43.105.902.

Contingent effective date--Severability--1986 c 155: See notes following RCW 43.03.300.

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

Severability--1970 ex.s. c 43: See note following RCW 43.03.027.

RCW 43.03.030 Increase or reduction of appointees' compensation.

Applicable Cases

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute,

such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

[1965 c 8 § 43.03.030. Prior: (i) 1921 c 49 § 1; RRS § 10896. (ii) 1933 c 47 § 1; RRS § 10976-1.]

RCW 43.03.040 Salaries of certain directors and chief executive officers.

Applicable Cases

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993.

[1993 sp.s. c 24 § 914; 1986 c 155 § 12; 1977 ex.s. c 127 § 2; 1970 ex.s. c 43 § 3; 1965 c 8 § 43.03.040. Prior: 1961 c 307 § 2; 1955 c 340 § 2; 1949 c 111 § 1; 1937 c 224 § 1; Rem. Supp. 1949 § 10776-1.]

Notes:

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Contingent effective date--Severability--1986 c 155: See notes following RCW 43.03.300.

Severability--1970 ex.s. c 43: See note following RCW 43.03.027.

RCW 43.03.050 Subsistence, lodging and refreshment, and per diem allowance for officials, employees, and members of boards, commissions, or committees.

Applicable Cases

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of

the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

[1990 c 30 § 1; 1983 1st ex.s. c 29 § 1; 1979 c 151 § 83; 1977 ex.s. c 312 § 1; 1975-'76 2nd ex.s. c 34 § 94; 1970 ex.s. c 34 § 1; 1965 ex.s. c 77 § 1; 1965 c 8 § 43.03.050. Prior: 1961 c 220 § 1; 1959 c 194 § 1; 1953 c 259 § 1; 1949 c 17 § 1; 1943 c 86 § 1; Rem. Supp. 1949 § 10981-1.]

Notes:

Effective date--Construction--1977 ex.s. c 312: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except that any new schedule of allowances under either RCW 43.03.050 and 43.03.060 as now or hereafter amended shall not be effective until July 1, 1977 or later." [1977 ex.s. c 312 § 5.]

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.03.060 Mileage allowance.

Applicable Cases

(1) Whenever it becomes necessary for elective or appointive officials or employees of the state to travel away from their designated posts of duty while engaged on official business, and it is found to be more advantageous or economical to the state that travel be by a privately-owned vehicle rather than a common carrier or a state-owned or operated vehicle, a mileage rate established by the director of financial management shall be allowed. The mileage rate established by the director shall not exceed any rate set by the United States treasury department above which the substantiation requirements specified in Treasury Department Regulations section 1.274-5T(a)(1), as now law or hereafter amended, will apply.

(2) The director of financial management may prescribe and regulate the specific mileage rate or other allowance for the use of privately-owned vehicles or common carriers on official business and the conditions under which reimbursement of transportation costs may be allowed. The reimbursement or other payment for transportation expenses of any employee or appointive official of the state shall be based on the method deemed most advantageous or economical to the state.

(3) The mileage rate established by the director of financial management pursuant to this section and any subsequent changes thereto shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

[1990 c 30 § 2; 1983 1st ex.s. c 29 § 2; 1979 c 151 § 84; 1977 ex.s. c 312 § 2; 1975-'76 2nd ex.s. c 34 § 95; 1974 ex.s. c 157 § 1; 1967 ex.s. c 16 § 4; 1965 c 8 § 43.03.060. Prior: 1949 c 17 § 2; 1943 c 86 § 2; Rem. Supp. 1949 § 10981-2.]

Notes:

Effective date--Construction--1977 ex.s. c 312: See note following RCW 43.03.050.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.03.062 State convention and trade center employees--Travel expenses.

Applicable Cases

Notwithstanding any provision of this chapter, employees of the corporation formed under RCW 67.40.020 shall be reimbursed for actual and reasonable travel and subsistence expenses incurred out of state for the purpose of marketing the convention center as may be requested or performed by the chief executive officer of the corporation subject to approval of the office of financial management. Reimbursement under this section may not be for promotional hosting expenditures.

[1985 c 233 § 4.]

RCW 43.03.065 Subsistence and lodging expenses--Direct payment to suppliers authorized.

Applicable Cases

The allowances prescribed pursuant to RCW 43.03.050 as now or hereafter amended may be paid as reimbursements to individuals for subsistence and lodging expenses during official travel. Alternatively, amounts not exceeding those allowances may be paid directly to appropriate suppliers of subsistence and lodging, when more economical and advantageous to the state, under general rules and regulations adopted by the director of financial management with the advice of the state auditor. Payments to suppliers for subsistence and lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursements to the individuals involved.

[1979 c 151 § 85; 1977 ex.s. c 312 § 4.]

Notes:

Effective date--Construction--1977 ex.s. c 312: See note following RCW 43.03.050.

RCW 43.03.110 Moving expenses of employees.

Applicable Cases

Whenever it is reasonably necessary to the successful performance of the required duty of a state office, commission, department or institution to transfer a deputy or other employee from one station to another within the state, thereby necessitating a change of such deputy's or employee's domicile, it shall be lawful for such office, commission, department or institution to move such deputy's or employee's household goods and effects to the new station at the expense

of the state, or to defray the actual cost of such removal by common carrier, or otherwise, at the expense of the state, in which latter event reimbursement to the deputy or employee shall be upon voucher submitted by him and approved by the department head.

[1967 ex.s. c 16 § 1; 1965 c 8 § 43.03.110. Prior: 1943 c 128 § 1; Rem. Supp. 1943 § 9948-1.]

RCW 43.03.120 Moving expenses of new employees.

Applicable Cases

Any state office, commission, department or institution may also pay the moving expenses of a new employee, necessitated by his acceptance of state employment, pursuant to mutual agreement with such employee in advance of his employment: PROVIDED, That if such employee is in the classified service as defined in chapter 41.06 RCW, that said employee has been duly certified from an eligible register. No such offer or agreement for such payment shall be made to a prospective member of the classified service, prior to such certification, except through appropriate public announcement by the department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW. Payment for all expenses authorized by RCW 43.03.060, 43.03.110 through 43.03.210 including moving expenses of new employees, exempt or classified, and others, shall be subject to reasonable regulations promulgated by the director of financial management, including regulations defining allowable moving costs: PROVIDED, That, if the new employee terminates or causes termination of his employment with the state within one year of the date of employment, the state shall be entitled to reimbursement for the moving costs which have been paid and may withhold such sum as necessary therefor from any amounts due the employee.

[1979 c 151 § 86; 1967 ex.s. c 16 § 2.]

RCW 43.03.125 Relocation compensation for domiciliary moves.

Applicable Cases

An agency may, within existing resources, authorize lump sum relocation compensation when it determines it is necessary to successfully recruit and retain qualified candidates who will have to make a domiciliary move in order to accept the position. It is lawful for a state office, commission, department, or institution to, within existing resources, authorize lump sum relocation compensation as authorized by rule under chapter 41.06 RCW and in accordance with the provisions of chapter 43.88 RCW. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation.

[1999 c 297 § 2.]

Notes:

Findings--1999 c 297: "The legislature finds that recruiting and retaining a highly qualified work force is essential to deliver high quality public programs. One factor that impairs recruitment or transfer of public employees is the housing cost differential between the rural and urban areas of the state. This housing cost differential can cause state employees to decline promotional or transfer opportunities if the costs associated with such moves are not

compensated.

Therefore, the legislature finds that it is in the interest of the citizens of the state of Washington to authorize an employing agency to offer assistance to state employees to relocate from one part of the state to another. This assistance is referred to as relocation compensation and is commonplace with private and federal government employers." [1999 c 297 § 1.]

RCW 43.03.130 Travel expenses of prospective employees.

Applicable Cases

Any state office, commission, department or institution may agree to pay the travel expenses of a prospective employee as an inducement for such applicant to travel to a designated place to be interviewed by and for the convenience of such agency: PROVIDED, That if such employment is to be in the classified service, such offer may be made only on the express authorization of the state department of personnel, or other corresponding personnel agency as provided by chapter 41.06 RCW, to applicants reporting for a merit system examination or to applicants from an eligible register reporting for a pre-employment interview. Travel expenses authorized for prospective employees called for interviews shall be payable at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. When an applicant is called to be interviewed by or on behalf of more than one agency, the authorized travel expenses may be paid directly by the authorizing personnel department or agency, subject to reimbursement from the interviewing agencies on a pro rata basis.

In the case of both classified and exempt positions, such travel expenses will be paid only for applicants being considered for the positions of director, deputy director, assistant director, or supervisor of state departments, boards or commissions; or equivalent or higher positions; or engineers, or other personnel having both executive and professional status. In the case of four-year institutions of higher education, such travel expenses will be paid only for applicants being considered for academic positions above the rank of instructor or professional or administrative employees in supervisory positions. In the case of community and technical colleges, such travel expenses may be paid for applicants being considered for full-time faculty positions or administrative employees in supervisory positions.

[1993 c 93 § 1; 1975-'76 2nd ex.s. c 34 § 96; 1967 ex.s. c 16 § 3.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.03.150 Advance payment of travel expenses--Authorized.

Applicable Cases

Whenever it becomes necessary for an elective or appointive official or employee of the state to travel and to incur expenses for which reimbursement may be made, it shall be the policy of the state to make reasonable allowances to such officers and employees in advance of expenditure, on request of such officer or employee, under appropriate rules and regulations prescribed by the director of financial management.

[1979 c 151 § 87; 1967 ex.s. c 16 § 6.]

RCW 43.03.160 Advance payment of travel expenses--"Department" defined.

Applicable Cases

"Department", as used herein, shall mean every department, office, agency or institution of state government.

[1967 ex.s. c 16 § 7.]

RCW 43.03.170 Advance payment of travel expenses--Advance warrants--Issuance--Limitations.

Applicable Cases

The head of any state department may issue an advance warrant on the request of any officer or employee for the purpose of defraying his anticipated reimbursable expenses while traveling on business of such state department away from his designated post of duty, except expenses in connection with the use of a personal automobile. The amount of such advance shall not exceed the amount of such reasonably anticipated expenses of the officer or employee to be necessarily incurred in the course of such business of the state for a period of not to exceed ninety days. Department heads shall establish written policies prescribing a reasonable amount for which such warrants may be written.

[1979 ex.s. c 71 § 1; 1967 ex.s. c 16 § 8.]

RCW 43.03.180 Advance payment of travel expenses--Itemized travel expense voucher to be submitted--Repayment of unexpended portion of advance--Default.

Applicable Cases

On or before the tenth day following each month in which such advance was furnished to the officer or employee, he shall submit to the head of his department a fully itemized travel expense voucher fully justifying the expenditure of such advance or whatever part thereof has been expended, for legally reimbursable items on behalf of the state. Any unexpended portion of such advance shall be returned to the agency at the close of the authorized travel period. Payment shall accompany such itemized voucher at the close of the travel period; and may be made by check or similar instrument payable to the department. Any default in accounting for or repaying an advance shall render the full amount which is unpaid immediately due and payable with interest at the rate of ten percent per annum from the date of default until paid.

[1967 ex.s. c 16 § 9.]

RCW 43.03.190 Advance payment of travel expenses--Lien against and right to withhold funds payable until proper accounting or repaying of advance made.

Applicable Cases

To protect the state from any losses on account of advances made as provided in RCW 43.03.150 through 43.03.210, the state shall have a prior lien against and a right to withhold any and all funds payable or to become payable by the state to such officer or employee to whom such advance has been given as provided in RCW 43.03.150 through 43.03.210, up to the

amount of such advance and interest at the rate of ten percent per annum, until such time as repayment or justification has been made.

[1979 ex.s. c 71 § 2; 1967 ex.s. c 16 § 10.]

RCW 43.03.200 Advance payment of travel expenses--Advances construed.

Applicable Cases

An advance made under RCW 43.03.150 through 43.03.210 shall be considered as having been made to such officer or employee to be expended by him as an agent of the state for state purposes only, and specifically to defray necessary costs while performing his official duties. No such advance shall be considered for any purpose as a loan to such officer or employee, and any unauthorized expenditure of such funds shall be considered a misappropriation of state funds by a custodian of such funds.

[1967 ex.s. c 16 § 11.]

RCW 43.03.210 Advance payment of travel expenses--Director of financial management to prescribe rules and regulations to carry out RCW 43.03.150 through 43.03.210.

Applicable Cases

The director of financial management may prescribe rules and regulations to assist in carrying out the purposes of RCW 43.03.150 through 43.03.210 including regulation of travel by officers and employees and the conditions under which per diem and mileage shall be paid, so as to improve efficiency and conserve funds and to insure proper use and accountability of travel advances strictly in the public interest and for public purposes only.

[1979 c 151 § 88; 1967 ex.s. c 16 § 12.]

RCW 43.03.220 Compensation of members of part-time boards and commissions--Class one groups.

Applicable Cases

(1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group.

(2) Absent any other provision of law to the contrary, no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups.

[1984 c 287 § 2.]

Notes:

Legislative findings--1984 c 287: "The legislature finds that members of part-time boards, commissions, councils, committees, and other similar groups established by the executive, legislative, or judicial branches of state government make a valuable contribution to the public welfare. This time and talent so generously donated to the state is gratefully acknowledged.

The legislature further finds that membership on certain part-time groups involves responsibility for major

policy decisions and represents a significant demand on the time and resources of members. The demands and responsibilities are well beyond reasonable expectations of an individual's gratuitous contribution to the public welfare. It is therefore appropriate to provide compensation to members of specific qualifying groups and further to provide three levels of compensation based on the responsibilities of the group and the time required to perform the group's statutory duties." [1984 c 287 § 1.]

Section headings--1984 c 287: "Section headings and captions used in RCW 43.03.220 through 43.03.250 do not constitute any part of the law." [1984 c 287 § 114.]

Severability--1984 c 287: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 287 § 115.]

Effective date--1984 c 287: "This act shall take effect on July 1, 1985." [1984 c 287 § 116.]

RCW 43.03.230 Compensation of members of part-time boards and commissions--Class two groups.

Applicable Cases

(1) Any agricultural commodity commission established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed thirty-five dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

[1984 c 287 § 3.]

Notes:

Legislative findings--Section headings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.03.240 Compensation of members of part-time boards and commissions--Class three groups.

Applicable Cases

(1) Any part-time, statutory board, commission, council, committee, or other similar group which has rule-making authority, performs quasi judicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business, or industry shall be identified as a class three group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class three group is eligible to receive compensation in an amount not to exceed fifty dollars for each day during

which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

[1984 c 287 § 4.]

Notes:

Legislative findings--Section headings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.03.250 Compensation of members of part-time boards and commissions--Class four groups.

Applicable Cases

(1) A part-time, statutory board, commission, council, committee, or other similar group shall be identified as a class four group for purposes of compensation if the group:

(a) Has rule-making authority, performs quasi-judicial functions, or has responsibility for the administration or policy direction of a state agency or program;

(b) Has duties that are deemed by the legislature to be of overriding sensitivity and importance to the public welfare and the operation of state government; and

(c) Requires service from its members representing a significant demand on their time that is normally in excess of one hundred hours of meeting time per year.

(2) Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

[1984 c 287 § 5.]

Notes:

Legislative findings--Section headings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.03.265 Compensation of members of part-time boards and commissions--Class

five groups.

Applicable Cases

(1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law.

[1999 c 366 § 1.]

RCW 43.03.300 Salaries of elected state officials--Legislative declaration--Purpose.

Applicable Cases

The legislature hereby declares it to be the policy of this state to base salaries of elected state officials on realistic standards in order that such officials may be paid according to the duties of their offices and so that citizens of the highest quality may be attracted to public service. It is the purpose of RCW 43.03.300 through 43.03.310 to effectuate this policy by creating a citizens' commission to establish proper salaries for such officials, thus removing political considerations in fixing the appropriateness of the amount of such salaries.

[1986 c 155 § 1.]

Notes:

Contingent effective date--1986 c 155: "This act shall take effect on January 1, 1987, if the proposed amendment to Article XXVIII of the state Constitution establishing an exclusive process for changes in the salaries of members of the legislature and other elected state officials is validly submitted and is approved and ratified by the voters at a general election held in November, 1986. If such proposed amendment is not so submitted and approved and ratified, this act shall be null and void in its entirety." [1986 c 155 § 16.] 1986 House Joint Resolution No. 49 was approved at the November 1986 general election. See Article XXVIII, section 1 and Amendment 78 of the state Constitution.

Severability--1986 c 155: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 155 § 15.]

RCW 43.03.305 Washington citizens' commission on salaries for elected officials--Generally.

Applicable Cases

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of sixteen members appointed by the governor as provided in this section.

(1) Nine of the sixteen commission members shall be selected by lot by the secretary of state from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission under subsection (3) of this section. One member shall be selected from each congressional district. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(2) The remaining seven of the sixteen commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the chair of the Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, the names of persons selected for appointment to the commission shall be forwarded to the governor not later than February 15, 1987, and not later than the fifteenth day of February every four years through 1999. The terms of the members selected in 1999 shall terminate July 1, 2002, and the names of persons selected for appointment to the commission shall be forwarded to the governor not later than July 1, 2002. Of the sixteen names forwarded to the governor in 2002, the governor shall by lot select four of the persons selected under subsection (1) of this section and four of the persons selected under subsection (2) of this section to serve two-year terms, with the rest of the members serving four-year terms. Thereafter, except as provided in subsection (6) of this section, all members shall serve four-year terms and the names of eight persons selected for appointment to the commission shall be forwarded to the governor not later than the first day of July every two years.

(4) No person may be appointed to more than two terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

The unexcused absence of any person who is a member of the commission from two consecutive meetings of the commission shall constitute the relinquishment of that person's membership on the commission. Such a relinquishment creates a vacancy in that person's position on the commission. A member's absence may be excused by the chair of the commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the commission present at the meeting.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of chapter 42.17 RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

(6) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

[1999 c 102 § 1; 1995 c 3 § 1; 1993 c 281 § 46; 1986 c 155 § 2.]

Notes:

Effective date--1995 c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [February 10, 1995]." [1995 c 3 § 3.]

Effective date--1993 c 281: See note following RCW 41.06.022.

Contingent effective date--Severability--1986 c 155: See notes following RCW 43.03.300.

RCW 43.03.310 Duties of citizens' commission--Travel expenses--Chair--Schedule of salaries--Publication--Hearings.

Applicable Cases

(1) The citizens' commission on salaries for elected officials shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, superior courts, and district courts, and shall fix the salary for each respective position.

(2) Except as provided otherwise in RCW 43.03.305 and this section, the commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest cooperation of all state officials, departments, and agencies.

(3) Members of the commission shall receive no compensation for their services, but shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The members of the commission shall elect a chair from among their number. The

commission shall set a schedule of salaries by an affirmative vote of not less than nine members of the commission.

(5) The commission shall file its initial schedule of salaries for the elected officials with the secretary of state no later than the first Monday in June, 1987, and shall file a schedule biennially thereafter. Each such schedule shall be filed in legislative bill form, shall be assigned a chapter number and published with the session laws of the legislature, and shall be codified by the statute law committee. The signature of the chair of the commission shall be affixed to each schedule submitted to the secretary of state. The chair shall certify that the schedule has been adopted in accordance with the provisions of state law and with the rules, if any, of the commission. Such schedules shall become effective ninety days after the filing thereof, except as provided in Article XXVIII, section 1 of the state Constitution. State laws regarding referendum petitions shall apply to such schedules to the extent consistent with Article XXVIII, section 1 of the state Constitution.

(6) Before the filing of any salary schedule, the commission shall first develop a proposed salary schedule and then hold no fewer than four regular meetings as defined by chapter 42.30 RCW to take public testimony on the proposed schedule within the four months immediately preceding the filing. At the last public hearing that is held as a regular meeting on the proposed schedule, the commission shall adopt the salary schedule as originally proposed or as amended at that meeting that will be filed with the secretary of state.

(7) All meetings, actions, hearings, and business of the commission shall be subject in full to the open public meetings act, chapter 42.30 RCW.

(8) Salaries of the officials referred to in subsection (1) of this section that are in effect on January 12, 1987, shall continue until modified by the commission under this section.

[1998 c 164 § 1; 1995 c 3 § 2; 1986 c 155 § 3.]

Notes:

Effective date--1995 c 3: See note following RCW 43.03.305.

Contingent effective date--Severability--1986 c 155: See notes following RCW 43.03.300.

**Chapter 43.04 RCW
USE OF STATE SEAL**

RCW

43.04.010	Legislative findings.
43.04.020	Definitions.
43.04.030	Use of state seal--Official purposes.
43.04.040	Use of state seal--Commemorative and souvenir items--Historical, educational, and civil purposes--Application--Fee--Licensing agreements--Rules.
43.04.050	Use of state seal--Prohibitions--Imitations.
43.04.060	Endorsements prohibited.
43.04.070	Civil penalties--Injunctions.
43.04.080	Investigations--Enforcement.
43.04.090	Criminal penalty.
43.04.100	Deposit of fees, penalties, and damages--Use.

43.04.900 Severability--1988 c 120.

RCW 43.04.010 Legislative findings.

Applicable Cases

The legislature finds that the seal of the state of Washington is a symbol of the authority and sovereignty of the state and is a valuable asset of its people. It is the intent of the legislature to ensure that appropriate uses are made of the state seal and to assist the secretary of state in the performance of the secretary's constitutional duty as custodian of the seal.

[1988 c 120 § 1.]

RCW 43.04.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "State seal" means the seal of the state as described in Article XVIII, section 1 of the state Constitution and in RCW 1.20.080.

(2) "Secretary" means the secretary of state and any designee of the secretary of state.

[1988 c 120 § 2.]

RCW 43.04.030 Use of state seal--Official purposes.

Applicable Cases

Except as otherwise provided in this chapter, the state seal shall be used for official purposes only.

[1988 c 120 § 3.]

RCW 43.04.040 Use of state seal--Commemorative and souvenir items--Historical, educational, and civil purposes--Application--Fee--Licensing agreements--Rules.

Applicable Cases

(1) The secretary of state may authorize the use of the state seal on commemorative and souvenir items, and for historical, educational, and civic purposes. Such authorization shall be in writing.

(2) Application for such authorization shall be in writing and shall be accompanied by a filing fee, the amount of which shall be determined by the secretary of state. The secretary shall set the fee at a level adequate to cover the administrative costs of processing the applications.

(3) If the secretary determines that a permitted use of the seal could financially benefit the state, the secretary may condition authorization upon a licensing agreement to secure those benefits for the state.

(4) The secretary of state shall adopt rules under chapter 34.05 RCW to govern the use of the seal in a manner consistent with this chapter. Any rule governing the use of the seal shall be designed to prevent inappropriate or misleading use of the seal and to assure tasteful and high-quality reproduction of the seal. The rules shall also prescribe the circumstances when a

licensing arrangement shall be required and the method for determining licensing fees.

[1988 c 120 § 4.]

RCW 43.04.050 Use of state seal--Prohibitions--Imitations.

Applicable Cases

(1) Except as otherwise provided in RCW 43.04.040, the state seal shall not be used on or in connection with any advertising or promotion for any product, business, organization, service, or article whether offered for sale for profit or offered without charge.

(2) The state seal shall never be used in a political campaign to assist or defeat any candidate for elective office.

(3) It is a violation of this chapter to use any symbol that imitates the seal or that is deceptively similar in appearance to the seal, in any manner that would be an improper use of the official seal itself.

(4) Nothing in this chapter shall prohibit the reproduction of the state seal for illustrative purposes by the news media if the reproduction by the news media is incidental to the publication or the broadcast. Nothing in this chapter shall prohibit a characterization of the state seal from being used in political cartoons.

[1988 c 120 § 5.]

RCW 43.04.060 Endorsements prohibited.

Applicable Cases

No use of the state seal may operate or be construed to operate in any way as an endorsement of any business, organization, product, service, or article.

[1988 c 120 § 6.]

RCW 43.04.070 Civil penalties--Injunctions.

Applicable Cases

Any person who violates RCW 43.04.050 (1) or (3) by using the state seal or an imitative or deceptively similar seal on or in connection with any product, business, organization, service, or article shall be liable for damages in a suit brought by the attorney general. The damages shall be equal to the gross monetary amount gained by the misuse of the state seal or the use of the imitative or deceptively similar seal, plus attorney's fees and other costs of the state in bringing the suit. The "gross monetary amount" is the total of the gross receipts that can be reasonably attributed to the misuse of the seal or the use of an imitative or deceptively similar seal. In addition to the damages, the violator is subject to a civil penalty imposed by the court in an amount not to exceed five thousand dollars. In imposing this penalty, the court shall consider the need to deter further violations of this chapter.

The attorney general may seek and shall be granted such injunctive relief as is appropriate to stop or prevent violations of this chapter.

[1988 c 120 § 7.]

RCW 43.04.080 Investigations--Enforcement.

Applicable Cases

The secretary of state shall conduct investigations for violations of this chapter and may request enforcement by the attorney general.

[1988 c 120 § 8.]

RCW 43.04.090 Criminal penalty.

Applicable Cases

Any person who wilfully violates this chapter is guilty of a misdemeanor.

[1988 c 120 § 9.]

RCW 43.04.100 Deposit of fees, penalties, and damages--Use.

Applicable Cases

All fees, penalties, and damages received under this chapter shall be paid to the secretary of state and with the exception of the filing fee authorized in RCW 43.04.040(2) shall be deposited by the secretary into the capitol building construction account in the state treasury, for use in the historical restoration and completion of the legislative building.

[1988 c 120 § 10.]

RCW 43.04.900 Severability--1988 c 120.

Applicable Cases

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

[1988 c 120 § 13.]

**Chapter 43.05 RCW
TECHNICAL ASSISTANCE PROGRAMS**

RCW

43.05.005	Findings.
43.05.010	Definitions.
43.05.020	Agency programs--List of technical assistance providers.
43.05.030	Technical assistance visit--Notice of violation.
43.05.040	Time to correct violations--Revisit--Issuance of penalties.
43.05.050	Issuance of penalty during technical assistance visit.
43.05.060	Department of ecology--Notice of correction.
43.05.070	Department of ecology--Penalty.
43.05.080	Application of RCW 43.05.060 and 43.05.070--Limited.
43.05.090	Department of labor and industries--Consultative visit, report--Compliance inspection, citation.
43.05.100	Departments of agriculture, fish and wildlife, health, licensing, natural resources--Notice of correction.

43.05.110	Departments of agriculture, fish and wildlife, health, licensing, natural resources--Penalty.
43.05.120	Time for compliance--Extension.
43.05.130	Educational programs.
43.05.140	Pilot voluntary audit program.
43.05.150	Agency immunity--Enforcement authority.
43.05.901	Conflict with federal requirements.
43.05.902	Resolution of conflict with federal requirements--Notification.
43.05.903	Part headings not law--1995 c 403.
43.05.904	Severability--1995 c 403.
43.05.905	Findings--Short title--Intent--1995 c 403.

RCW 43.05.005 Findings.

Applicable Cases

The legislature finds that, due to the volume and complexity of laws and rules it is appropriate for regulatory agencies to adopt programs and policies that encourage voluntary compliance by those affected by specific rules. The legislature recognizes that a cooperative partnership between agencies and regulated parties that emphasizes education and assistance before the imposition of penalties will achieve greater compliance with laws and rules and that most individuals and businesses who are subject to regulation will attempt to comply with the law, particularly if they are given sufficient information. In this context, enforcement should assure that the majority of a regulated community that complies with the law are not placed at a competitive disadvantage and that a continuing failure to comply that is within the control of a party who has received technical assistance is considered by an agency when it determines the amount of any civil penalty that is issued.

[1995 c 403 § 601.]

RCW 43.05.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Civil penalty" means a monetary penalty administratively issued by a regulatory agency for noncompliance with state or federal law or rules. The term does not include any criminal penalty, damage assessments, wages, premiums, or taxes owed, or interest or late fees on any existing obligation.

(2) "Regulatory agency" means an agency as defined in RCW 34.05.010 that has the authority to issue civil penalties. The term does not include the state patrol or any institution of higher education as defined in RCW 28B.10.016.

(3) "Technical assistance" includes:

(a) Information on the laws, rules, and compliance methods and technologies applicable to the regulatory agency's programs;

(b) Information on methods to avoid compliance problems;

(c) Assistance in applying for permits; and

(d) Information on the mission, goals, and objectives of the program.

(4) "Technical assistance documents" means documents prepared to provide information specified in subsection (3) of this section entitled a technical assistance document by the agency head or its designee. Technical assistance documents do not include notices of correction, violation, or enforcement action. Technical assistance documents do not impose mandatory obligations or serve as the basis for a citation.

[1999 c 236 § 1; 1995 c 403 § 602.]

RCW 43.05.020 Agency programs--List of technical assistance providers.

Applicable Cases

All regulatory agencies shall develop programs to encourage voluntary compliance by providing technical assistance consistent with statutory requirements. The programs shall include but are not limited to technical assistance visits, printed information, information and assistance by telephone, training meetings, and other appropriate methods to provide technical assistance. In addition, all regulatory agencies shall provide upon request a list of organizations, including private companies, that provide technical assistance. This list shall be compiled by the agencies from information submitted by the organizations and shall not constitute an endorsement by an agency of any organization.

[1995 c 403 § 603.]

RCW 43.05.030 Technical assistance visit--Notice of violation.

Applicable Cases

(1) For the purposes of this chapter, a technical assistance visit is a visit by a regulatory agency to a facility, business, or other location that:

- (a) Has been requested or is voluntarily accepted; and
- (b) Is declared by the regulatory agency at the beginning of the visit to be a technical assistance visit.

(2) A technical assistance visit also includes a consultative visit pursuant to RCW 49.17.250.

(3) During a technical assistance visit, or within a reasonable time thereafter, a regulatory agency shall inform the owner or operator of the facility of any violations of law or agency rules identified by the agency as follows:

- (a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable state or federal law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the agency requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the agency or others; and
- (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

[1996 c 206 § 2; 1995 c 403 § 604.]

Notes:

Findings--1996 c 206: "The legislature finds that many individuals and small businesses who are required to comply with laws and agency rules often do not have access to the Revised Code of Washington, the Washington Administrative Code, the United States Code, or the Code of Federal Regulations. In this case, those informed of violations do not know whether, or to what extent, the cited law or agency rule actually applies to their situation. In order to facilitate greater understanding of the law and agency rules, the legislature finds that those who make the effort to obtain technical assistance from a regulatory agency, and those who are issued a notice of correction, should be given the text of the specific section or subsection of the law or agency rule they are alleged to have violated."
[1996 c 206 § 1.]

RCW 43.05.040 Time to correct violations--Revisit--Issuance of penalties.

Applicable Cases

The owner and operator shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided for by law is imposed for those violations. A regulatory agency may revisit a facility, business, or other location after a technical assistance visit and a reasonable period of time has passed to correct violations identified by the agency in writing and issue civil penalties as provided for by law for any uncorrected violations.

[1995 c 403 § 605.]

RCW 43.05.050 Issuance of penalty during technical assistance visit.

Applicable Cases

A regulatory agency that observes a violation during a technical assistance visit may issue a civil penalty as provided for by law if: (1) The individual or business has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) the issue involves sales taxes due to the state and the individual or business is not remitting previously collected sales taxes to the state; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

[1995 c 403 § 606.]

RCW 43.05.060 Department of ecology--Notice of correction.

Applicable Cases

(1) If in the course of any site inspection or visit that is not a technical assistance visit, the department of ecology becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in RCW 43.05.070, the department may issue a notice of correction to the responsible party that shall include:

(a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable state or federal law or rule;

- (b) A statement of what is required to achieve compliance;
 - (c) The date by which the department requires compliance to be achieved;
 - (d) Notice of the means to contact any technical assistance services provided by the department or others; and
 - (e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.
- (2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.
- (3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with the notice.

[1996 c 206 § 3; 1995 c 403 § 607.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.05.070 Department of ecology--Penalty.

Applicable Cases

The department of ecology may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; or (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

[1995 c 403 § 608.]

RCW 43.05.080 Application of RCW 43.05.060 and 43.05.070--Limited.

Applicable Cases

The provisions of RCW 43.05.060 and 43.05.070 affecting civil penalties issued by the department of ecology shall not apply to civil penalties for negligent discharge of oil as authorized under RCW 90.56.330 or to civil penalties as authorized under RCW 90.03.600 for unlawful use of water in violation of RCW 90.03.250 or 90.44.050.

[1995 c 403 § 609.]

RCW 43.05.090 Department of labor and industries--Consultative visit, report--Compliance inspection, citation.

Applicable Cases

- (1) Following a consultative visit pursuant to RCW 49.17.250, the department of labor

and industries shall issue a report to the employer that the employer shall make available to its employees. The report shall contain:

- (a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable state or federal law or rule;
 - (b) A statement of what is required to achieve compliance;
 - (c) The date by which the department requires compliance to be achieved;
 - (d) Notice of means to contact technical assistance services provided by the department;
- and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) Following a compliance inspection pursuant to RCW 49.17.120, the department of labor and industries shall issue a citation for violations of industrial safety and health standards. The citation shall not assess a penalty if the violations:

- (a) Are determined not to be of a serious nature;
- (b) Have not been previously cited;
- (c) Are not willful; and
- (d) Do not have a mandatory penalty under chapter 49.17 RCW.

[1996 c 206 § 4; 1995 c 403 § 610.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.05.100 Departments of agriculture, fish and wildlife, health, licensing, natural resources--Notice of correction.

Applicable Cases

(1) If in the course of any inspection or visit that is not a technical assistance visit, the department of agriculture, fish and wildlife, health, licensing, or natural resources becomes aware of conditions that are not in compliance with applicable laws and rules enforced by the department and are not subject to civil penalties as provided for in RCW 43.05.110, the department may issue a notice of correction to the responsible party that shall include:

- (a) A description of the condition that is not in compliance and the text of the specific section or subsection of the applicable state or federal law or rule;
- (b) A statement of what is required to achieve compliance;
- (c) The date by which the department requires compliance to be achieved;
- (d) Notice of the means to contact any technical assistance services provided by the department or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the department.

(2) A notice of correction is not a formal enforcement action, is not subject to appeal, and is a public record.

(3) If the department issues a notice of correction, it shall not issue a civil penalty for the violations identified in the notice of correction unless the responsible party fails to comply with

the notice.

[1996 c 206 § 5; 1995 c 403 § 611.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.05.110 Departments of agriculture, fish and wildlife, health, licensing, natural resources--Penalty.

Applicable Cases

The department of agriculture, fish and wildlife, health, licensing, or natural resources may issue a civil penalty provided for by law without first issuing a notice of correction if: (1) The person has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule or has been given previous notice of the same or similar type of violation of the same statute or rule; or (2) compliance is not achieved by the date established by the department in a previously issued notice of correction, if the department has responded to any request for review of such date by reaffirming the original date or establishing a new date; [or] (3) the violation has a probability of placing a person in danger of death or bodily harm, has a probability of causing more than minor environmental harm, or has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars; or (4) the violation was committed by a business that employed fifty or more employees on at least one day in each of the preceding twelve months. In addition, the department of fish and wildlife may issue a civil penalty provided for by law without first issuing a notice of correction for a violation of any rule dealing with seasons, catch or bag limits, gear types, or geographical areas for fish or wildlife removal, reporting, or disposal.

This section does not apply to the civil penalties imposed under RCW 82.38.170(13).

[1998 c 176 § 84; 1995 c 403 § 612.]

Notes:

Rules--Findings--Effective date--1998 c 176: See RCW 82.36.800, 82.36.900, and 82.36.901.

RCW 43.05.120 Time for compliance--Extension.

Applicable Cases

The date for compliance established by the department of ecology, labor and industries, agriculture, fish and wildlife, health, licensing, or natural resources pursuant to RCW 43.05.060, 43.05.090, or 43.05.100 respectively shall provide for a reasonable time to achieve compliance. Any person receiving a notice of correction pursuant to RCW 43.05.060 or 43.05.100 or a report or citation pursuant to RCW 43.05.090 may request an extension of time to achieve compliance for good cause from the issuing department. Requests shall be submitted to the issuing department and responded to by the issuing department in writing in accordance with procedures specified by the issuing department in the notice, report, or citation.

[1995 c 403 § 613.]

RCW 43.05.130 Educational programs.

Applicable Cases

The departments of revenue and labor and industries and the employment security department shall undertake an educational program directed at those who have the most difficulty in determining their tax or premium liability. The departments may rely on information from internal data, trade associations, and businesses to determine which entities should be selected. The educational programs may include, but not be limited to, targeted informational fact sheets, self-audits, or workshops, and may be presented individually by the agency or in conjunction with other agencies.

[1995 c 403 § 614.]

RCW 43.05.140 Pilot voluntary audit program.

Applicable Cases

The department of revenue, the department of labor and industries in respect to its duties in Title 51 RCW, and the employment security department shall develop and administer a pilot voluntary audit program. Voluntary audits can be requested by businesses from any of these agencies according to guidelines established by each agency. No penalty assessments may be made against participants in such a program except when the agency determines that either a good faith effort has not been made by the taxpayer or premium payer to comply with the law or that the taxpayer has failed to remit previously collected sales taxes to the state. The persons conducting the voluntary audit shall provide the business undergoing the voluntary audit an audit report that describes errors or omissions found and future reporting instructions. This program does not relieve a business from past or future tax or premium obligations.

[1995 c 403 § 615.]

RCW 43.05.150 Agency immunity--Enforcement authority.

Applicable Cases

Nothing in this chapter obligates a regulatory agency to conduct a technical assistance visit. The state and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from providing technical assistance, or if liability is asserted to arise from the failure of the state or officers or employees of the state to provide technical assistance. This chapter does not limit the authority of any regulatory agency to take any enforcement action, other than a civil penalty, authorized by law. This chapter shall not limit a regulatory agency's authority to issue a civil penalty as authorized by law based upon a person's failure to comply with specific terms and conditions of any permit or license issued by the agency to that person.

[1995 c 403 § 617.]

RCW 43.05.901 Conflict with federal requirements.

Applicable Cases

If a regulatory agency determines any part of this chapter to be in conflict with federal law or program requirements, in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, or in conflict with the requirements for eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this chapter shall be inoperative solely to the extent of the conflict. Any rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

[1995 c 403 § 619.]

RCW 43.05.902 Resolution of conflict with federal requirements--Notification.

Applicable Cases

If notified by responsible federal officials of any conflict of this chapter with federal law or program requirements or with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the regulatory agency notified of the conflict shall actively seek to resolve the conflict. If the agency determines that the conflict cannot be resolved without loss of benefits or authority to the state, the agency shall notify the governor, the president of the senate, and the speaker of the house of representatives in writing within thirty days of making that determination.

[1995 c 403 § 620.]

RCW 43.05.903 Part headings not law--1995 c 403.

Applicable Cases

Part headings as used in this act do not constitute any part of the law.

[1995 c 403 § 1101.]

RCW 43.05.904 Severability--1995 c 403.

Applicable Cases

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

[1995 c 403 § 1105.]

RCW 43.05.905 Findings--Short title--Intent--1995 c 403.

Applicable Cases

See note following RCW 34.05.328.

**Chapter 43.06 RCW
GOVERNOR**

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- 43.06.015 Interstate oil compact commission--Governor may join.
- 43.06.020 Records to be kept.
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- 43.06.055 Governor-elect--Appropriation to provide office and staff.
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- 43.06.070 Removal of appointive officers.
- 43.06.080 Removal of appointive officers--Statement of reasons to be filed.
- 43.06.090 Removal of appointive officers--Filling of vacancy.
- 43.06.092 Gubernatorial appointees--Continuation of service--Appointments to fill vacancies.
- 43.06.094 Gubernatorial appointees--Removal prior to confirmation.
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- 43.06.115 Militarily impacted area--Declaration by governor.
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- 43.06.150 Federal funds and programs--Participating agencies to notify director of financial management, joint legislative audit and review committee and legislative council--Progress reports.
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- 43.06.210 Proclamations--Generally--State of emergency.
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- 43.06.230 State of emergency--Destroying or damaging property or causing personal injury--Penalty.
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- 43.06.260 State of emergency--Prosecution of persons sixteen years or over as adults.
- 43.06.270 State of emergency--State militia or state patrol--Use in restoring order.
- 43.06.350 Foreign nationals or citizens, convicted offenders--Transfers and sentences.
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- 43.06.410 State internship program--Governor's duties.
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- 43.06.425 Interns--Effect of employment experience--Rights of reversion--Fringe benefits--Sick and vacation leave.
- 43.06.435 Interns--Effect on full time equivalent staff position limitations.

Notes:

Appointing power

accountancy board: RCW 18.04.035.

administrator for the courts, submission of list for appointment from: RCW 2.56.010.

architects board of registration: RCW 18.08.330.

board of registration of professional engineers and land surveyors: RCW 18.43.030.

board of tax appeals: RCW 82.03.020.

center for volunteerism and citizen service: RCW 43.150.040.

clemency and pardons board: RCW 9.94A.250.

college district boards of trustees: RCW 28B.50.100.

council for the prevention of child abuse and neglect: RCW 43.121.020.

court of appeals vacancy: State Constitution Art. 4 § 30; RCW 2.06.080.
criminal justice training commission: RCW 43.101.030.
degree-granting institutions, attorney general participation: Chapter 28B.85 RCW.
department of ecology, director of: RCW 43.21A.050.
department of social and health services, secretary of: RCW 43.20A.040.
directors of state departments and agencies: RCW 43.17.020.
electrical advisory board members: RCW 19.28.065.
energy facility site evaluation council: RCW 80.50.030.
financial management, director: RCW 43.41.060.
fish and wildlife commission: RCW 77.04.030.
higher education facilities authority: RCW 28B.07.030.
industrial insurance appeals board: RCW 51.52.010.
information services board: RCW 43.105.032.
interagency committee for outdoor recreation: RCW 79A.25.110.
investment board members: RCW 43.33A.020.
judges of court of appeals, vacancy: State Constitution Art. 4 § 30; RCW 2.06.080.
judges of superior court, vacancy: State Constitution Art. 4 § 5; RCW 2.08.120.
vacancy resulting from creation of additional judgeship: RCW 2.08.069.
justices of supreme court, vacancy: State Constitution Art. 4 § 3; RCW 2.04.100.
license examining committee: RCW 43.24.060.
militia officers: State Constitution Art. 10 § 2.
optometry board members: RCW 18.54.030.
Pacific marine fisheries commission, appointment of representatives to: RCW 75.40.040.
pharmacy board: RCW 18.64.001.
physical therapy board committee: RCW 18.74.020.
podiatric medical board: RCW 18.22.013.
pollution control hearings board of the state: RCW 43.21B.020, 43.21B.030.
private vocational schools, attorney general participation: Chapter 28C.10 RCW.
public printer: RCW 43.78.010.
railroad policemen: RCW 81.60.010.
real estate commission: RCW 18.85.071.
regents of educational institutions: State Constitution Art. 13 § 1.
state arts commission: RCW 43.46.015.
state board for community and technical colleges: RCW 28B.50.050, 28B.50.070.
state board of health: RCW 43.20.030.
state college boards of trustees: RCW 28B.40.100.
state library commission: RCW 27.04.020.
state patrol chief: RCW 43.43.020.
statute law committee members: RCW 1.08.001.
superior court vacancy: State Constitution Art. 4 § 5; RCW 2.08.069, 2.08.120.
supreme court vacancy: State Constitution Art. 4 § 3; RCW 2.04.100.
traffic safety commission: RCW 43.59.030.
transportation commission members: RCW 47.01.051.
uniform legislation commission: RCW 43.56.010.
United States senator, filling vacancy in office of: RCW 29.68.070.
University of Washington board of regents: RCW 28B.20.100.
utilities and transportation commission: RCW 80.01.010.
vacancies in
appointive office filled by: State Constitution Art. 3 § 13.

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court of appeals, filled by: State Constitution Art. 4 § 30; RCW 2.06.080.
legislature, duties: State Constitution Art. 2 § 15.
superior court, filled by: State Constitution Art. 4 § 5; RCW 2.08.069, 2.08.120.
supreme court, filled by: State Constitution Art. 4 § 3; RCW 2.04.100.
veterinary board of governors: RCW 18.92.021.
visiting judges of superior court: RCW 2.08.140.
Washington personnel resources board: RCW 41.06.110.
Washington State University board of regents: RCW 28B.30.100.
Approval of laws: State Constitution Art. 3 § 12.
Associations of municipal corporations or officers to furnish information to governor: RCW 44.04.170.
Attorney general, advice to governor: RCW 43.10.030.
Board of natural resources member: RCW 43.30.040.
Bonds, notes and other evidences of indebtedness, governor's duties: Chapter 39.42 RCW.
Clemency and pardons board, established as board in office of governor: RCW 9.94A.250.
Commander-in-chief of state militia: State Constitution Art. 3 § 8.
Commissions issued by state, signed by: State Constitution Art. 3 § 15.
Commutation of death sentence, power to commute: RCW 10.01.120.
Congress, special election to fill vacancy in office of called by: RCW 29.68.080.
Continuity of government in event of enemy attack, succession to office of governor: RCW 42.14.020.
Council for the prevention of child abuse and neglect, jurisdiction in governor: RCW 43.121.020.
Driver license compact, executive head: RCW 46.21.040.
Election certificates issued for state and congressional offices by: RCW 29.27.110.
Election of: State Constitution Art. 3 § 1.
Execution of laws: State Constitution Art. 3 § 5.
Extradition proceedings
power and duties as to: RCW 10.34.030.
warrant issued by: RCW 10.88.260.
Fines, power to remit: State Constitution Art. 3 § 11.
Forfeitures, power to remit: State Constitution Art. 3 § 11.
Highway
construction bonds and coupons, governor to sign: Chapter 47.10 RCW.
toll facility property sale, deed executed by: RCW 47.56.255.
Impeachment: State Constitution Art. 5 §§ 1, 2.
Indians, assumption of state jurisdiction, proclamation by governor: RCW 37.12.021.
Information in writing may be required from state officers: State Constitution Art. 3 § 5.
Interstate compact on juveniles, duties: Chapter 13.24 RCW.
Judges' retirement applications, doctors' examination report, approval and filing of: RCW 2.12.020.
Judicial officers
extension of leave of absence of: State Constitution Art. 4 § 8.
superior court, assignment to another county by: State Constitution Art. 4 §§ 5, 7.
Labor and industries, department, biennial report to governor: RCW 43.22.330.
Legal holidays
designation of: RCW 1.16.050.
proclamation process, applicability to courts: RCW 2.28.100.
Legislature
extra session, may convene: State Constitution Art. 3 § 7.
messages to: State Constitution Art. 3 § 6.
vacancies, filled by: State Constitution Art. 2 § 15.
Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter

36.93 RCW.

Marketing agreements or orders, annual audit of financial affairs under, governor to receive reports of: RCW 15.65.490.

Messages to legislature: State Constitution Art. 3 § 6.

Militia and military affairs

commander-in-chief of militia: State Constitution Art. 3 § 8; RCW 38.08.020.

compacts with other states for guarding boundaries: RCW 38.08.100.

eminent domain for military purposes: RCW 8.04.170, 8.04.180.

martial law, proclamation by, when: RCW 38.08.030.

officers, commissioned by: State Constitution Art. 10 § 2.

personal staff: RCW 38.08.070.

rules promulgated by: RCW 38.08.090.

strength, composition, training, etc., prescribed by: RCW 38.04.040.

Motor vehicle administration, annual report of director of licensing to go to: RCW 46.01.290.

OASI, agreement of state for participation of state and political subdivision employees, duties concerning: Chapter 41.48 RCW.

Oath of office: RCW 43.01.020.

Official bonds, approval of: RCW 42.08.100.

Pardons

power to grant: RCW 10.01.120.

report to legislature of: State Constitution Art. 3 §§ 9, 11.

restrictions prescribed by law: State Constitution Art. 3 § 9.

Paroles, governor may revoke: RCW 9.95.160.

Protection for governor, lieutenant governor, and governor elect, duty of chief of state patrol to provide: RCW 43.43.035.

Puget Sound ferry and toll bridge system, governor's powers and duties relating to: Chapter 47.60 RCW.

Registry of governor's acts kept by secretary of state: RCW 43.07.030.

Remission of fines and forfeitures report to legislature with reasons: State Constitution Art. 3 § 11.

Reports to governor

agricultural marketing agreements or orders, audits and financial reports: RCW 15.65.490.

agricultural marketing legislation recommendations: RCW 15.64.010.

agriculture director: RCW 43.23.130.

annual report by state officers, etc., period covered: RCW 43.01.035.

business license center: RCW 19.02.030.

department of transportation, operation and construction activities: RCW 47.01.141.

engineers and land surveyors board of registration: RCW 18.43.035.

enrollment forecasts: RCW 43.62.050.

financial management, director: RCW 43.88.160.

fish and wildlife director: RCW 75.08.020.

governor's advisory committee on agency officials' salaries: RCW 43.03.028.

horse racing commission: RCW 67.16.015.

human rights commission: RCW 49.60.100.

indeterminate sentence review board: RCW 9.95.265.

industrial insurance, violations: RCW 51.04.020.

investment activities of state investment board: RCW 43.33A.150.

judges of the supreme court to report defects or omissions in laws to: RCW 2.04.230.

labor and industries director: RCW 43.22.330, 49.12.180.

motor vehicle administration, director of licensing: RCW 46.01.290.

prosecuting attorneys, annual report: RCW 36.27.020.

state arts commission: RCW 43.46.070.
state board for community and technical colleges: RCW 28B.50.070.
state board of health: RCW 43.20.100.
state officers: State Constitution Art. 3 § 5.
state parks and recreation commission: RCW 79A.05.030.
superintendent of public instruction, biennial report: RCW 28A.300.040.
University of Washington board of regents: RCW 28B.20.130.
veterans' rehabilitation council: RCW 43.61.040.

Reprieves

power to grant: RCW 10.01.120.
report to legislature: State Constitution Art. 3 § 11.

Residence at seat of government: State Constitution Art. 3 § 24.

Resignation by state officers and members of legislature made to: RCW 42.12.020.

Salaries of public officials, governor's duties: RCW 43.03.028 and 43.03.040.

Salary of governor, amount of: State Constitution Art. 28 § 1; RCW 43.03.010.

Sale of unneeded toll facility property, governor to execute deed: RCW 47.56.255.

School apportionment demands estimate certified to: RCW 28A.300.170.

Secretary of transportation, governor to fix salary of: RCW 47.01.031.

Security and protection for governor, lieutenant governor, and governor elect, duty of state patrol to provide: RCW 43.43.035.

State building authority member: Chapter 43.75 RCW.

State capitol committee member: RCW 43.34.010.

State finance committee member: RCW 43.33.010.

State parks, disposal of land not needed for park purposes, conveyance instruments executed by: RCW 79A.05.175.

State participation within student exchange compact programs--Board to advise governor: RCW 28B.80.170.

Succession to governorship: State Constitution Art. 3 § 10.

Superior court judge, assignment to another county: State Constitution Art. 4 §§ 5, 7.

Supreme executive power vested in: State Constitution Art. 3 § 2.

Term of office: State Constitution Art. 3 § 2; RCW 43.01.010.

Toll bridge bonds, governor to countersign: RCW 47.56.140.

Toll bridges, improvement of existing bridge and construction of new bridge as single project, governor's powers and duties relating to: Chapter 47.58 RCW.

Traffic safety commission and programs, powers, duties and responsibilities of governor: Chapter 43.59 RCW.

Unanticipated receipts, governor as state's agent to receive: RCW 43.79.260.

Unemployment compensation, delinquent payments in lieu of contributions of political subdivisions, governor may withhold funds for: RCW 50.24.125.

Uniform interstate family support act

extradition powers and duties: RCW 26.21.640.

governor defined for purposes of: RCW 26.21.640.

United States senate, filling vacancy in: RCW 29.68.070.

Vacancies

in court of appeals: State Constitution Art. 4 § 30; RCW 2.06.080.

in legislature, duties: State Constitution Art. 2 § 15.

in office filled by: State Constitution Art. 3 § 13.

in superior court: State Constitution Art. 4 § 5.

in supreme court: State Constitution Art. 4 § 3.

Vacancy in office of governor

election to fill: State Constitution Art. 3 § 10.

succession to: State Constitution Art. 3 § 10.

Veto

initiatives and referendums, power does not extend to: State Constitution Art. 2 § 1.

power of: State Constitution Art. 3 § 12.

Voluntary action center, establishment by governor: RCW 43.150.040.

Washington scholars' program, participation in: RCW 28A.600.100 through 28A.600.150.

Water pollution control, powers and duties pertaining to: RCW 90.48.260, 90.48.262.

RCW 43.06.010 General powers and duties.

Applicable Cases

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

- (1) The governor shall supervise the conduct of all executive and ministerial offices;
- (2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;
- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

[1994 c 223 § 3; 1993 c 142 § 5; 1992 c 172 § 1; 1991 c 257 § 22; 1982 c 153 § 1; 1979 ex.s. c 53 § 4; 1977 ex.s. c 289 § 15; 1975-'76 2nd ex.s. c 108 § 25; 1969 ex.s. c 186 § 8; 1965 c 8 § 43.06.010. Prior: 1890 p 627 § 1; RRS § 10982.]

Notes:

Severability--1992 c 172: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 172 § 4.]

Severability--Effective date--1982 c 153: See notes following RCW 17.24.210.

Severability--1979 ex.s. c 53: See RCW 10.85.900.

Severability--1977 ex.s. c 289: See RCW 43.131.901.

Severability--Effective date--1975-'76 2nd ex.s. c 108: See notes following RCW 43.21F.010.

Rewards by county legislative authorities: Chapter 10.85 RCW.

RCW 43.06.015 Interstate oil compact commission--Governor may join.

Applicable Cases

The governor is authorized, on behalf of the state of Washington, to join the interstate oil compact commission as an associate member and to become an active member thereof if and when oil and gas are produced in Washington in commercial quantities and to attend meetings and participate in the activities carried on by said commission either in person or by a duly authorized representative.

[1965 c 8 § 43.06.015. Prior: 1953 c 47 § 1.]

Notes:

Interstate compact to conserve oil and gas: 65 Stat. 199 (P. L. 128, ch. 350) Aug. 28, 1951. Associate membership authorized by Art. 9 § 2 of the commission's bylaws.

RCW 43.06.020 Records to be kept.

Applicable Cases

The governor must cause to be kept the following records:

First, a register of all pardons, commutations, executive paroles, final discharges, and restorations of citizenship made by him;

Second, an account of all his disbursements of state moneys, and of all rewards offered by him for the apprehension of criminals and persons charged with crime;

Third, a register of all appointments made by him with date of commission, name of appointee and name of predecessor, if any.

[1965 c 8 § 43.06.020. Prior: 1921 c 28 § 1; 1890 p 628 § 2; RRS § 10983.]

RCW 43.06.030 Appointments to senate for confirmation--Notice.

Applicable Cases

For a gubernatorial appointment to be effective, the governor must transmit to the secretary of the senate notice of the appointment, along with pertinent information regarding the appointee, within fourteen days after making any appointment subject to senate confirmation.

[1981 c 338 § 12; 1965 c 8 § 43.06.030. Prior: 1890 p 629 § 3; RRS § 10984.]

RCW 43.06.040 Lieutenant governor acts in governor's absence.

Applicable Cases

If the governor absents himself from the state, he shall, prior to his departure, notify the lieutenant governor of his proposed absence, and during such absence the lieutenant governor shall perform all the duties of the governor.

[1965 c 8 § 43.06.040. Prior: 1890 p 629 § 6; RRS § 10985.]

Notes:

Duties of lieutenant governor: State Constitution Art. 3 § 16.

RCW 43.06.050 Powers and duties of acting governor.

Applicable Cases

Every provision of law in relation to the powers and duties of the governor, and in relation to acts and duties to be performed by others towards him, extends to the person performing for the time being the duties of governor.

[1965 c 8 § 43.06.050. Prior: 1890 p 629 § 4; RRS § 10986.]

RCW 43.06.055 Governor-elect--Appropriation to provide office and staff.

Applicable Cases

The legislature preceding the gubernatorial election shall make an appropriation which may only be expended by a newly elected governor other than the incumbent for the purpose of providing office and staff for the governor-elect preparatory to his assumption of duties as governor. The funds for the appropriation shall be made available to him not later than thirty days prior to the date when the legislature will convene.

[1969 ex.s. c 88 § 1.]

RCW 43.06.060 Expense of publishing proclamations.

Applicable Cases

When the governor is authorized or required by law to issue a proclamation, payment for publishing it shall be made out of the state treasury.

[1965 c 8 § 43.06.060. Prior: 1881 p 45 §§ 1-3; Code 1881 § 2367; RRS § 10988.]

RCW 43.06.070 Removal of appointive officers.

Applicable Cases

The governor may remove from office any state officer appointed by him not liable to impeachment, for incompetency, misconduct, or malfeasance in office.

[1965 c 8 § 43.06.070. Prior: 1893 c 101 § 1; RRS § 10988.]

RCW 43.06.080 Removal of appointive officers--Statement of reasons to be filed.

Applicable Cases

Whenever the governor is satisfied that any officer not liable to impeachment has been guilty of misconduct, or malfeasance in office, or is incompetent, he shall file with the secretary of state a statement showing his reasons, with his order of removal, and the secretary of state shall forthwith send a certified copy of such order of removal and statement of causes by registered mail to the last known post office address of the officer in question.

[1965 c 8 § 43.06.080. Prior: 1893 c 101 § 2; RRS § 10989.]

RCW 43.06.090 Removal of appointive officers--Filling of vacancy.

Applicable Cases

At the time of making any removal from office, the governor shall appoint some proper person to fill the office, who shall forthwith demand and receive from the officer removed the papers, records, and property of the state pertaining to the office, and shall perform the duties of the office and receive the compensation thereof until his successor is appointed.

[1965 c 8 § 43.06.090. Prior: 1893 c 101 § 3; RRS § 10990.]

RCW 43.06.092 Gubernatorial appointees--Continuation of service--Appointments to fill vacancies.

Applicable Cases

(1) Any gubernatorial appointee subject to senate confirmation shall continue to serve unless rejected by a vote of the senate. An appointee who is rejected by a vote of the senate shall not be reappointed to the same position for a period of one year from termination of service.

(2) Any person appointed by the governor to fill the unexpired term of an appointment subject to senate confirmation must also be confirmed by the senate.

[1981 c 338 § 2.]

RCW 43.06.094 Gubernatorial appointees--Removal prior to confirmation.

Applicable Cases

Gubernatorial appointees subject to senate confirmation, other than those who serve at the governor's pleasure, may not be removed from office without cause by the governor prior to confirmation except upon consent of the senate as provided for by the rules of the senate.

[1981 c 338 § 1.]

RCW 43.06.110 Economic opportunity act programs--State participation--Authority of governor.

Applicable Cases

The governor, or his designee, is hereby authorized and empowered to undertake such programs as will, in the judgment of the governor, or his designee, enable families and individuals of all ages, in rural and urban areas, in need of the skills, knowledge, motivations, and opportunities to become economically self-sufficient to obtain and secure such skills, knowledge, motivations, and opportunities. Such programs may be engaged in as solely state operations, or in conjunction or cooperation with any appropriate agency of the federal government, any branch or agency of the government of this state, any city or town, county, municipal corporation, metropolitan municipal corporation or other political subdivision of the state, or any private corporation. Where compliance with the provisions of federal law or rules or regulations promulgated thereunder is a necessary condition to the receipt of federal funds by the state, the governor or his designee, is hereby authorized to comply with such laws, rules or regulations to the extent necessary for the state to cooperate most fully with the federal government in furtherance of the programs herein authorized.

[1971 ex.s. c 177 § 2; 1965 c 14 § 2.]

Notes:

County participation in Economic Opportunity Act programs: RCW 36.32.410.

RCW 43.06.115 Militarily impacted area--Declaration by governor.

Applicable Cases

(1) The governor may, by executive order, after consultation with or notification of the executive-legislative committee on economic development created by *chapter . . . (Senate Bill No. 5300), Laws of 1993, declare a community to be a "military impacted area." A "military impacted area" means a community or communities, as identified in the executive order, that experience serious social and economic hardships because of a change in defense spending by the federal government in that community or communities.

(2) If the governor executes an order under subsection (1) of this section, the governor shall establish a response team to coordinate state efforts to assist the military impacted community. The response team may include, but not be limited to, one member from each of the following agencies: (a) The department of community, trade, and economic development; (b) the department of social and health services; (c) the employment security department; (d) the state board for community and technical colleges; (e) the higher education coordinating board; and (f) the department of transportation. The governor may appoint a response team coordinator. The

governor shall seek to actively involve the impacted community or communities in planning and implementing a response to the crisis. The governor may seek input or assistance from the community diversification advisory committee, and the governor may establish task forces in the community or communities to assist in the coordination and delivery of services to the local community. The state and community response shall consider economic development, human service, and training needs of the community or communities impacted.

[1998 c 245 § 47; 1996 c 186 § 505; 1995 c 399 § 61; 1993 c 421 § 2.]

Notes:

***Reviser's note:** Senate Bill No. 5300 was vetoed by the governor.

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Finding--Intent--1993 c 421: "The legislature finds that military base expansions, closures, and defense procurement contract cancellations may have extreme economic impacts on communities and firms. The legislature began to address this concern in 1990 by establishing the community diversification program in the department of community development. While this program has helped military dependent communities begin the long road to diversification, base expansions or closures or major procurement contract reductions in the near future will find these communities unable to respond adequately, endangering the health, safety, and welfare of the community. The legislature intends to target emergency state assistance to military dependent communities significantly impacted by defense spending. The emergency state assistance and the long-term strategy should be driven by the impacted community and consistent with the state plan for diversification required under RCW 43.63A.450(4)." [1993 c 421 § 1.]

RCW 43.06.120 Federal funds and programs--Acceptance of funds by governor authorized--Administration and disbursement.

Applicable Cases

The governor is authorized to accept on behalf of the state of Washington funds provided by any act of congress for the benefit of the state or its political subdivisions. He is further authorized to administer and disburse such funds, or to designate an agency to administer and disburse them, until the legislature otherwise directs.

[1967 ex.s. c 41 § 1.]

RCW 43.06.130 Federal funds and programs--Payment of travel expenses of committees, councils, or other bodies.

Applicable Cases

Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid travel expenses incurred pursuant to RCW 43.03.050 and 43.03.060 as now existing or hereafter amended from such funds as may be available by legislative appropriation or as may otherwise be available as provided by law.

[1975-'76 2nd ex.s. c 34 § 97; 1973 2nd ex.s. c 17 § 1; 1967 ex.s. c 41 § 2.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.06.150 Federal funds and programs--Participating agencies to notify director of financial management, joint legislative audit and review committee and legislative council--Progress reports.

Applicable Cases
See RCW 43.88.205.

RCW 43.06.200 Definitions.

Applicable Cases

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in RCW 43.06.010, and 43.06.200 through 43.06.270 each as now or hereafter amended shall have the following meaning:

"State of emergency" means an emergency proclaimed as such by the governor pursuant to RCW 43.06.010 as now or hereafter amended.

"Governor" means the governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of governor pursuant to the Constitution and laws of this state relating to succession in office.

"Criminal offense" means any prohibited act for which any criminal penalty is imposed by law and includes any misdemeanor, gross misdemeanor, or felony.

[1977 ex.s. c 328 § 11; 1975-'76 2nd ex.s. c 108 § 26; 1969 ex.s. c 186 § 1.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

Severability--Effective date--1975-'76 2nd ex.s. c 108: See notes following RCW 43.21F.010.

Provisions cumulative--1969 ex.s. c 186: "The provisions of this act shall be cumulative to and shall not operate to repeal any other laws, or local ordinances, except those specifically mentioned in this act." [1969 ex.s. c 186 § 10.]

Severability--1969 ex.s. c 186: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 ex.s. c 186 § 11.]

Energy supply emergencies: Chapter 43.21G RCW.

RCW 43.06.210 Proclamations--Generally--State of emergency.

Applicable Cases

The proclamation of a state of emergency and other proclamations or orders issued by the governor pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended shall be in writing and shall be signed by the governor and shall then be filed with the secretary of state. The governor shall give as much public notice as practical through the news media of the issuance of proclamations or orders pursuant to RCW 43.06.010, and 43.06.200 through 43.06.270 as now or hereafter amended. The state of emergency shall cease to exist upon the issuance of a proclamation of the governor declaring its termination: PROVIDED, That the governor must terminate said state of emergency proclamation when order has been restored in the area affected.

[1977 ex.s. c 328 § 12; 1975-'76 2nd ex.s. c 108 § 27; 1969 ex.s. c 186 § 2.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

Severability--Effective date--1975-'76 2nd ex.s. c 108: See notes following RCW 43.21F.010.

Energy supply emergencies: Chapter 43.21G RCW.

RCW 43.06.220 State of emergency--Powers of governor pursuant to proclamation.

Applicable Cases

The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(1) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(2) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(3) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(4) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(5) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(6) The sale, purchase or dispensing of alcoholic beverages;

(7) The sale, purchase or dispensing of other commodities or goods, as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(8) The use of certain streets, highways or public ways by the public; and

(9) Such other activities as he reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he from time to time deems necessary.

Any person wilfully violating any provision of an order issued by the governor under this section shall be guilty of a gross misdemeanor.

[1969 ex.s. c 186 § 3.]

RCW 43.06.230 State of emergency--Destroying or damaging property or causing personal injury--Penalty.

Applicable Cases

After the proclamation of a state of emergency as provided in RCW 43.06.010, any person who maliciously destroys or damages any real or personal property or maliciously injures

another shall be guilty of a felony and upon conviction thereof shall be imprisoned in a state correctional facility for not less than two years nor more than ten years.

[1992 c 7 § 39; 1969 ex.s. c 186 § 4.]

RCW 43.06.240 State of emergency--Disorderly conduct after emergency proclaimed--Penalty.

Applicable Cases

After the proclamation of a state of emergency pursuant to RCW 43.06.010, every person who:

(1) Wilfully causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

(a) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(b) making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(c) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or

(d) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) Engages with at least one other person in a course of conduct as defined in subsection (1) of this section which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse made by a peace officer shall be guilty of disorderly conduct and be punished by imprisonment in the county jail for not more than one year or fined not more than one thousand dollars or by both fine and imprisonment.

[1969 ex.s. c 186 § 5.]

RCW 43.06.250 State of emergency--Refusing to leave public way or property when ordered--Penalty.

Applicable Cases

Any person upon any public way or any public property, within the area described in the state of emergency, who is directed by a public official to leave the public way or public property and refuses to do so shall be guilty of a misdemeanor.

[1969 ex.s. c 186 § 6.]

RCW 43.06.260 State of emergency--Prosecution of persons sixteen years or over as adults.

Applicable Cases

After the proclamation of a state of emergency as provided in RCW 43.06.010 any person sixteen years of age or over who violates any provision of RCW 43.06.010, and 43.06.200 through 43.06.270 shall be prosecuted as an adult.

[1969 ex.s. c 186 § 7.]

RCW 43.06.270 State of emergency--State militia or state patrol--Use in restoring order.

Applicable Cases

The governor may in his discretion order the state militia pursuant to chapter 38.08 RCW or the state patrol to assist local officials to restore order in the area described in the proclamation of a state of emergency.

[1969 ex.s. c 186 § 9.]

RCW 43.06.350 Foreign nationals or citizens, convicted offenders--Transfers and sentences.

Applicable Cases

Whenever any convicted offender, who is a citizen or national of a foreign country and is under the jurisdiction of the department of corrections, requests transfer to the foreign country of which he or she is a citizen or national, under a treaty on the transfer of offenders entered into between the United States and a foreign country, the governor or the governor's designee:

- (1) May grant the approval of the state to such transfer as provided in the treaty; and
- (2) Shall have, notwithstanding any provision of chapter 9.95 or 72.68 RCW, the plenary authority to fix the duration of the offender's sentence, if not otherwise fixed, whenever a fixed sentence is a condition precedent to transfer.

[1983 c 255 § 9.]

Notes:

Severability--1983 c 255: See RCW 72.74.900.

RCW 43.06.400 Listing of reduction in revenues from tax exemptions to be submitted to legislature by department of revenue--Periodic review and submission of recommendations to legislature by governor.

Applicable Cases

Beginning in January 1984, and in January of every fourth year thereafter, the department of revenue shall submit to the legislature prior to the regular session a listing of the amount of reduction for the current and next biennium in the revenues of the state or the revenues of local government collected by the state as a result of tax exemptions. The listing shall include an estimate of the revenue lost from the tax exemption, the purpose of the tax exemption, the persons, organizations, or parts of the population which benefit from the tax exemption, and whether or not the tax exemption conflicts with another state program. The listing shall include but not be limited to the following revenue sources:

- (1) Real and personal property tax exemptions under Title 84 RCW;
- (2) Business and occupation tax exemptions, deductions, and credits under chapter 82.04 RCW;
- (3) Retail sales and use tax exemptions under chapters 82.08, 82.12, and 82.14 RCW;
- (4) Public utility tax exemptions and deductions under chapter 82.16 RCW;
- (5) Food fish and shellfish tax exemptions under chapter 82.27 RCW;

- (6) Leasehold excise tax exemptions under chapter 82.29A RCW;
- (7) Motor vehicle and special fuel tax exemptions and refunds under chapters 82.36 and 82.38 RCW;
- (8) Aircraft fuel tax exemptions under chapter 82.42 RCW;
- (9) Motor vehicle excise tax exclusions under chapter 82.44 RCW; and
- (10) Insurance premiums tax exemptions under chapter 48.14 RCW.

The department of revenue shall prepare the listing required by this section with the assistance of any other agencies or departments as may be required.

The department of revenue shall present the listing to the ways and means committees of each house in public hearings.

Beginning in January 1984, and every four years thereafter the governor is requested to review the report from the department of revenue and may submit recommendations to the legislature with respect to the repeal or modification of any tax exemption. The ways and means committees of each house and the appropriate standing committee of each house shall hold public hearings and take appropriate action on the recommendations submitted by the governor.

As used in this section, "tax exemption" means an exemption, exclusion, or deduction from the base of a tax; a credit against a tax; a deferral of a tax; or a preferential tax rate.

[1999 c 372 § 5; 1987 c 472 § 16; 1983 2nd ex.s. c 3 § 60.]

Notes:

Severability--1987 c 472: See RCW 79.71.900.

Construction--Severability--Effective dates--1983 2nd ex.s. c 3: See notes following RCW 82.04.255.
Review and termination of tax preferences: Chapter 43.136 RCW.

RCW 43.06.410 State internship program--Governor's duties.

Applicable Cases

There is established within the office of the governor the Washington state internship program to assist students and state employees in gaining valuable experience and knowledge in various areas of state government. In administering the program, the governor shall:

- (1) Consult with the secretary of state, the director of personnel, the commissioner of the employment security department, and representatives of labor;
- (2) Encourage and assist agencies in developing intern positions;
- (3) Develop and coordinate a selection process for placing individuals in intern positions. This selection process shall give due regard to the responsibilities of the state to provide equal employment opportunities;
- (4) Develop and coordinate a training component of the internship program which balances the need for training and exposure to new ideas with the intern's and agency's need for on-the-job work experience;
- (5) Work with institutions of higher education in developing the program, soliciting qualified applicants, and selecting participants; and
- (6) Develop guidelines for compensation of the participants.

[1993 c 281 § 47; 1985 c 442 § 1.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

Construction--1985 c 442: "Nothing in this act shall be construed to limit the authority of state agencies to continue or establish other internship programs or positions." [1985 c 442 § 10.]

Severability--1985 c 442: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 442 § 11.]

RCW 43.06.415 State internship program coordinator--Rules.

Applicable Cases

(1) The governor may appoint a coordinator to assist in administering the program created by RCW 43.06.410.

(2) The governor shall adopt such rules as are necessary to administer RCW 43.06.410.

[1985 c 442 § 2.]

Notes:

Construction--Severability--1985 c 442: See notes following RCW 43.06.410.

RCW 43.06.420 Undergraduate internship program--Executive fellows program.

Applicable Cases

The state internship program shall consist of two individual internship programs as follows:

(1) An undergraduate internship program consisting of three-month to six-month positions for students working toward an undergraduate degree. In addition, a public sector employee, whether working toward a degree or not, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency.

(2) An executive fellows program consisting of one-year to two-year placements for students who have successfully completed at least one year of graduate level work and have demonstrated a substantial interest in public sector management. Positions in this program shall be as assistants or analysts at the midmanagement level or higher. In addition, a public sector employee, whether working toward an advanced degree or not, or who has not successfully completed one year of graduate-level work as required by this subsection, shall be eligible to participate in the program upon the written recommendation of the head of the employee's agency. Participants in the executive fellows program who were not public employees prior to accepting a position in the program shall receive insurance and retirement credit commensurate with other employees of the employing agency.

[1985 c 442 § 3.]

Notes:

Construction--Severability--1985 c 442: See notes following RCW 43.06.410.

RCW 43.06.425 Interns--Effect of employment experience--Rights of reversion--Fringe benefits--Sick and vacation leave.

Applicable Cases

The Washington personnel resources board shall adopt rules to provide that:

(1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;

(2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;

(3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;

(4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

[1993 c 281 § 48; 1985 c 442 § 4.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

Construction--Severability--1985 c 442: See notes following RCW 43.06.410.

State internship program--Positions exempt from chapter 41.06 RCW: RCW 41.06.088.

RCW 43.06.435 Interns--Effect on full time equivalent staff position limitations.

Applicable Cases

An agency shall not be deemed to exceed any limitation on full time equivalent staff positions on the basis of intern positions established under RCW 43.06.420.

[1985 c 442 § 6.]

Notes:

Construction--Severability--1985 c 442: See notes following RCW 43.06.410.

Chapter 43.06A RCW

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

43.06A.010	Office created--Purpose.
43.06A.020	Ombudsman--Appointment, term of office.
43.06A.030	Duties.
43.06A.050	Confidentiality.
43.06A.060	Admissibility of evidence--Testimony regarding official duties.
43.06A.070	Release of identifying information.
43.06A.080	Inapplicability of privilege in RCW 43.06A.060.
43.06A.085	Liability for good faith performance--Privileged communications.
43.06A.090	Report of conduct warranting criminal or disciplinary proceedings.
43.06A.100	Communication with children in custody of department of social and health services--Access to information in possession or control of department or state institutions.

43.06A.900 Construction.

RCW 43.06A.010 Office created--Purpose.

Applicable Cases

There is hereby created an office of the family and children's ombudsman within the office of the governor for the purpose of promoting public awareness and understanding of family and children services, identifying system issues and responses for the governor and the legislature to act upon, and monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to family and children's services and the placement, supervision, and treatment of children in the state's care or in state-licensed facilities or residences. The ombudsman shall report directly to the governor and shall exercise his or her powers and duties independently of the secretary.

[1996 c 131 § 2.]

Notes:

Effective date--1996 c 131 §§ 1-3: See note following RCW 44.04.220.

RCW 43.06A.020 Ombudsman--Appointment, term of office.

Applicable Cases

(1) Subject to confirmation by the senate, the governor shall appoint an ombudsman who shall be a person of recognized judgment, independence, objectivity, and integrity, and shall be qualified by training or experience, or both, in family and children's services law and policy. Prior to the appointment, the governor shall consult with, and may receive recommendations from the committee, regarding the selection of the ombudsman.

(2) The person appointed ombudsman shall hold office for a term of three years and shall continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombudsman only for neglect of duty, misconduct, or inability to perform duties. Any vacancy shall be filled by similar appointment for the remainder of the unexpired term.

[1998 c 288 § 7; 1996 c 131 § 3.]

Notes:

Severability--1998 c 288: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1998 c 288 § 8.]

Effective date--1998 c 288: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 2, 1998]." [1998 c 288 § 9.]

Effective date--1996 c 131 §§ 1-3: See note following RCW 44.04.220.

RCW 43.06A.030 Duties.

Applicable Cases

The ombudsman shall perform the following duties:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services;

(2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombudsman may decline to investigate any complaint as provided by rules adopted under this chapter;

(3) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring children's health and safety;

(4) Review periodically the facilities and procedures of state institutions serving children, and state-licensed facilities or residences;

(5) Recommend changes in the procedures for addressing the needs of families and children;

(6) Submit annually to the committee and to the governor by November 1 a report analyzing the work of the office including recommendations;

(7) Grant the committee access to all relevant records in the possession of the ombudsman unless prohibited by law; and

(8) Adopt rules necessary to implement this chapter.

[1996 c 131 § 4.]

RCW 43.06A.050 Confidentiality.

Applicable Cases

The ombudsman shall treat all matters under investigation, including the identities of service recipients, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombudsman to perform the duties of the office and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law. Investigative records of the office of the ombudsman are confidential and are exempt from public disclosure under chapter 42.17 RCW.

[1996 c 131 § 6.]

RCW 43.06A.060 Admissibility of evidence--Testimony regarding official duties.

Applicable Cases

Neither the ombudsman nor the ombudsman's staff may be compelled, in any judicial or administrative proceeding, to testify or to produce evidence regarding the exercise of the official duties of the ombudsman or of the ombudsman's staff. All related memoranda, work product, notes, and case files of the ombudsman's office are confidential, are not subject to discovery, judicial or administrative subpoena, or other method of legal compulsion, and are not admissible in evidence in a judicial or administrative proceeding. This section shall not apply to the *legislative oversight committee.

[1998 c 288 § 1.]

Notes:

***Reviser's note:** "Legislative oversight committee" apparently refers to the "legislative children's oversight committee" created in RCW 44.04.220.

Severability--Effective date--1998 c 288: See notes following RCW 43.06A.020.

RCW 43.06A.070 Release of identifying information.

Applicable Cases

Identifying information about complainants or witnesses shall not be subject to any method of legal compulsion, nor shall such information be revealed to the *legislative oversight committee or the governor except under the following circumstances: (1) The complainant or witness waives confidentiality; (2) under a legislative subpoena when there is a legislative investigation for neglect of duty or misconduct by the ombudsman or ombudsman's office when the identifying information is necessary to the investigation of the ombudsman's acts; or (3) under an investigation or inquiry by the governor as to neglect of duty or misconduct by the ombudsman or ombudsman's office when the identifying information is necessary to the investigation of the ombudsman' [ombudsman's] acts.

For the purposes of this section, "identifying information" includes the complainant's or witness's name, location, telephone number, likeness, social security number or other identification number, or identification of immediate family members.

[1998 c 288 § 2.]

Notes:

***Reviser's note:** "Legislative oversight committee" apparently refers to the "legislative children's oversight committee" created in RCW 44.04.220.

Severability--Effective date--1998 c 288: See notes following RCW 43.06A.020.

RCW 43.06A.080 Inapplicability of privilege in RCW 43.06A.060.

Applicable Cases

The privilege described in RCW 43.06A.060 does not apply when:

(1) The ombudsman or ombudsman's staff member has direct knowledge of an alleged crime, and the testimony, evidence, or discovery sought is relevant to that allegation;

(2) The ombudsman or a member of the ombudsman's staff has received a threat of, or becomes aware of a risk of, imminent serious harm to any person, and the testimony, evidence, or discovery sought is relevant to that threat or risk;

(3) The ombudsman has been asked to provide general information regarding the general operation of, or the general processes employed at, the ombudsman's office; or

(4) The ombudsman or ombudsman's staff member has direct knowledge of a failure by any person specified in RCW 26.44.030, including the state family and children's ombudsman or any volunteer in the ombudsman's office, to comply with RCW 26.44.030.

[1998 c 288 § 3.]

Notes:

Severability--Effective date--1998 c 288: See notes following RCW 43.06A.020.

RCW 43.06A.085 Liability for good faith performance--Privileged communications.

Applicable Cases

(1) An employee of the office of the family and children's ombudsman is not liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of the department, an employee of a contracting agency of the department, a foster parent, or a recipient of family and children's services for any communication made, or information given or disclosed, to aid the office of the family and children's ombudsman in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by an ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged under RCW 9.58.070 and that privilege shall serve as a defense in any action in libel or slander.

[1999 c 390 § 7.]

RCW 43.06A.090 Report of conduct warranting criminal or disciplinary proceedings.

Applicable Cases

When the ombudsman or ombudsman's staff member has reasonable cause to believe that any public official, employee, or other person has acted in a manner warranting criminal or disciplinary proceedings, the ombudsman or ombudsman's staff member shall report the matter, or cause a report to be made, to the appropriate authorities.

[1998 c 288 § 4.]

Notes:

Severability--Effective date--1998 c 288: See notes following RCW 43.06A.020.

RCW 43.06A.100 Communication with children in custody of department of social and health services--Access to information in possession or control of department or state institutions.

Applicable Cases

The department of social and health services shall:

(1) Allow the ombudsman or the ombudsman's designee to communicate privately with any child in the custody of the department for the purposes of carrying out its duties under this chapter;

(2) Permit the ombudsman or the ombudsman's designee physical access to state institutions serving children, and state licensed facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombudsman's request, grant the ombudsman or the ombudsman's designee

the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombudsman considers necessary in an investigation; and

(4) Grant the office of the family and children's ombudsman unrestricted on-line access to the case and management information system (CAMIS) for the purpose of carrying out its duties under this chapter.

[1999 c 390 § 5.]

RCW 43.06A.900 Construction.

Applicable Cases

Nothing in this chapter shall be construed to conflict with the duty to report specified in RCW 26.44.030.

[1998 c 288 § 5.]

Notes:

Severability--Effective date--1998 c 288: See notes following RCW 43.06A.020.

**Chapter 43.07 RCW
SECRETARY OF STATE**

RCW

- 43.07.010 Official bond.
- 43.07.020 Assistant and deputy secretary of state.
- 43.07.030 General duties.
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Notes:

Acquisition and disposition of highway property, powers and duties relating to: Chapter 47.12 RCW.

Attests commissions issued by state: State Constitution Art. 3 § 15.

Attorney for former residents and nonresidents for service of process arising out of motor vehicle operation in this state: RCW 46.64.040.

Bonds deposited with

state auditor: RCW 43.09.010.

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Charitable trusts: Chapter 11.110 RCW.

Civil rights, issuance of copies of instruments restoring civil rights: RCW 5.44.090.

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notice of contents to person proposing measure: RCW 29.27.065.

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city and town elections, rules and regulations for: RCW 29.04.080.

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recount procedure, rules and regulations by secretary of state: RCW 29.64.070.

returns, certifying of: RCW 43.07.030.

rules and regulations made by for state, city and town elections: RCW 29.04.080.

Filing with

banks: Chapter 30.08 RCW.

chattel mortgages: RCW 62A.9-301 through 62A.9-318, 62A.9-401 through 62A.9-409.

corporations: Title 23B RCW.

credit unions: Chapter 31.12 RCW.

department of transportation: RCW 47.68.210.

domestic insurers: RCW 48.06.200.

engrossed bills: RCW 44.20.010.

initiatives and referendums: State Constitution Art. 2 § 1; RCW 29.79.010, 29.79.150.

mutual savings banks: RCW 32.08.061, 32.08.070.

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consolidation with other companies: RCW 81.36.070.

purchase of property of other companies: RCW 81.36.070.

sale of property to other companies: RCW 81.36.070.

savings and loan associations: RCW 33.08.080.

standard uniforms for sheriffs: RCW 36.28.170.

statute law committee code correction orders: RCW 1.08.016.

trust companies: Chapter 30.08 RCW.

Foreign corporations, duties: Chapters 23B.01 and 23B.15 RCW.

Initiatives and referendums

acceptance or rejection of petitions for filing: RCW 29.79.150.

filing of proposals and petitions with: State Constitution Art. 2 § 1; RCW 29.79.010.

numbering of initiative and referendum measures: RCW 29.79.030.

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Jury source list--Master jury list--Creation--Adoption of rules for implementation of methodology and standards by agencies: RCW 2.36.054 and 2.36.0571.

Legislative journals, custodian of: RCW 43.07.040.

Local government redistricting: Chapter 29.70 RCW.

Massachusetts trusts, power to prescribe rules and regulations as to: RCW 23.90.040.

Materials specifically authorized to be printed and distributed by secretary of state: RCW 43.07.140.

Oath of office: RCW 43.01.020.

Official bond: RCW 43.07.010.

Process deposited with

domestic corporation without officer in state upon whom process can be served: RCW 4.28.090.

foreign corporation failing to maintain agent in state: RCW 23B.14.300.

nonadmitted foreign corporations having powers as to notes secured by real estate mortgages: RCW 23B.18.040 and 23B.18.050.

nonresident or former resident motorists: RCW 46.64.040.

trademark registration actions: RCW 19.77.090.

Records, custodian of: State Constitution Art. 3 § 24; RCW 43.07.040.

Registry of governor's acts kept by: RCW 43.07.030.

Residence to be maintained at seat of government: State Constitution Art. 3 § 24.

Salary, amount of: State Constitution Art. 3 § 17, Art. 28 § 1; RCW 43.03.010.

Sale of unneeded toll facility property, secretary to attest deed and deliver: RCW 47.56.255.

Session laws

custodian of: RCW 43.07.040.

engrossed bill filed with: RCW 44.20.010.

numbering of: RCW 44.20.020.

State canvassing board member: RCW 29.62.100.

Statute law committee code correction orders filed with: RCW 1.08.016.

Succession to office of governor: State Constitution Art. 3 § 10.

Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Trademarks and trade names

filing fee: RCW 43.07.120.

registration of, duties: Chapter 19.77 RCW.

RCW 43.07.010 Official bond.

Applicable Cases

The secretary of state must execute an official bond to the state in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and shall receive no pay until such bond, approved by the governor, is filed with the state auditor.

[1965 c 8 § 43.07.010. Prior: 1890 p 633 § 10; RRS § 10994.]

RCW 43.07.020 Assistant and deputy secretary of state.

Applicable Cases

The secretary of state may have one assistant secretary of state and one deputy secretary of state each of whom shall be appointed by him in writing, and continue during his pleasure. The assistant secretary of state and deputy secretary of state shall have the power to perform any act or duty relating to the secretary of state's office, that the secretary of state has, and the secretary of state shall be responsible for the acts of said assistant and deputy.

[1965 c 8 § 43.07.020. Prior: 1947 c 107 § 1; 1903 c 75 § 1; 1890 p 633 § 12; RRS § 10995.]

RCW 43.07.030 General duties.

Applicable Cases

The secretary of state shall:

- (1) Keep a register of and attest the official acts of the governor;
- (2) Affix the state seal, with his attestation, to commissions, pardons, and other public instruments to which the signature of the governor is required, and also attestations and authentications of certificates and other documents properly issued by the secretary;
- (3) Record all articles of incorporation, deeds, or other papers filed in the secretary of state's office;
- (4) Receive and file all the official bonds of officers required to be filed with the secretary of state;
- (5) Take and file in the secretary of state's office receipts for all books distributed by him;
- (6) Certify to the legislature the election returns for all officers required by the Constitution to be so certified, and certify to the governor the names of all other persons who have received at any election the highest number of votes for any office the incumbent of which is to be commissioned by the governor;
- (7) Furnish, on demand, to any person paying the fees therefor, a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office;
- (8) Present to the speaker of the house of representatives, at the beginning of each regular session of the legislature during an odd-numbered year, a full account of all purchases made and expenses incurred by the secretary of state on account of the state;
- (9) File in his office an impression of each and every seal in use by any state officer;
- [(10)] Keep a record of all fees charged or received by the secretary of state.

[1982 c 35 § 186; 1980 c 87 § 21; 1969 ex.s. c 53 § 3; 1965 c 8 § 43.07.030. Prior: 1890 p 630 § 2; RRS § 10992.]

Notes:

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.035 Memorandum of agreement or contract for secretary of state's services with state agencies or private entities.

Applicable Cases

The secretary of state shall have the authority to enter into a memorandum of agreement or contract with any agency of state government or private entity to provide for the performance of any of the secretary of state's services or duties under the various corporation statutes of this state.

[1985 c 156 § 19; 1982 c 35 § 190.]

Notes:

Severability--Effective date--1985 c 156: See RCW 42.44.902 and 42.44.903.

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.037 Gifts, grants, conveyances--Receipt, sale--Rules.

Applicable Cases

The secretary of state and the *council may accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. The secretary of state shall adopt rules to govern and protect the receipt and expenditure of the proceeds.

[1996 c 253 § 105.]

Notes:

***Reviser's note:** 1996 c 253 § 101, which created the international education and exchange council, was vetoed.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

RCW 43.07.040 Custodian of state records.

Applicable Cases

The secretary of state is charged with the custody:

- (1) Of all acts and resolutions passed by the legislature;
- (2) Of the journals of the legislature;
- (3) Of the seal of the state;
- (4) Of all books, records, deeds, parchments, maps, and papers required to be kept on deposit in his office pursuant to law;
- (5) Of the enrolled copy of the Constitution.

[1965 c 8 § 43.07.040. Prior: 1903 c 107 § 1; 1890 p 629 § 1; RRS § 10991.]

RCW 43.07.050 Bureau of statistics--Secretary ex officio commissioner.

Applicable Cases

The secretary of state shall be ex officio commissioner of statistics. He shall establish within his office, and under his immediate supervision, a bureau to be known as the bureau of statistics, agriculture and immigration.

[1965 c 8 § 43.07.050. Prior: 1895 c 85 § 1; RRS § 10933.]

RCW 43.07.090 Bureau of statistics--Power to obtain statistics--Penalty.

Applicable Cases

The commissioner shall have the power to send for persons and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office. He shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, manufacturing or mercantile establishment, or any agent or employee of any such principal, owner, operator, manager, or lessee, who shall refuse to the commissioner or his duly authorized representative admission therein, or who shall, when requested by him, wilfully neglect or refuse to furnish him any statistics or information pertaining to his lawful duties which may be in the possession or under the control of said principal, owner, operator, lessee, manager, or agent thereof, shall be punished by a fine of not less than fifty nor more than two hundred dollars.

[1965 c 8 § 43.07.090. Prior: 1895 c 85 § 5; RRS § 10937.]

RCW 43.07.100 Bureau of statistics--Information confidential--Penalty.

Applicable Cases

No use shall be made in the report of the bureau of the names of individuals, firms, or corporations supplying the information called for by these sections, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent or employee of said bureau violating this provision shall upon conviction thereof be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months.

[1965 c 8 § 43.07.100. Prior: 1895 c 85 § 6; RRS § 10938.]

RCW 43.07.110 Bureau of statistics--Deputy commissioner.

Applicable Cases

The commissioner shall appoint a deputy commissioner, who shall act in his absence, and the deputy shall receive the sum of twelve hundred dollars per annum to be paid by the state treasurer in the same manner as other state officers are paid; the sum allowed for deputy and other incidental expenses of the bureau shall not exceed the sum of three thousand dollars any one year. The commissioner shall have authority to employ one person to act as immigration agent, which agent shall reside in such city as said commissioner may designate, and he shall be

provided with such literature and incidental accessories as in his judgment may be necessary.

[1965 c 8 § 43.07.110. Prior: 1895 c 85 § 7; RRS § 10939.]

RCW 43.07.120 Fees.

Applicable Cases

(1) The secretary of state shall establish by rule and collect the fees in this subsection:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office;

(b) For any certificate under seal;

(c) For filing and recording trademark;

(d) For each deed or patent of land issued by the governor;

(e) For recording miscellaneous records, papers, or other documents.

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under Title 23B RCW, chapter 18.100, 19.77, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.15, 25.10, or 25.05 RCW:

(a) Any service rendered in-person at the secretary of state's office;

(b) Any expedited service;

(c) The electronic or facsimile transmittal of information from corporation records or copies of documents;

(d) The providing of information by micrographic or other reduced-format compilation;

(e) The handling of checks, drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and

(f) Special search charges.

(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

[1998 c 103 § 1309. Prior: 1994 c 211 § 1310; 1994 c 60 § 5; 1993 c 269 § 15; 1991 c 72 § 53; 1989 c 307 § 39; 1982 c 35 § 187; 1971 c 81 § 107; 1965 c 8 § 43.07.120; prior: 1959 c 263 § 5; 1907 c 56 § 1; 1903 c 151 § 1; 1893 c 130 § 1; RRS § 10993.]

Notes:

Effective date--Severability--1994 c 211: See RCW 25.15.900 and 25.15.902.

Effective date--1993 c 269: See note following RCW 23.86.070.

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.125 Fees--Charitable trusts--Charitable solicitations.

Applicable Cases

The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under chapter 11.110 or 19.09 RCW:

- (1) Any service rendered in-person at the secretary of state's office;
- (2) Any expedited service;
- (3) The electronic transmittal of documents;
- (4) The providing of information by microfiche or other reduced-format compilation;
- (5) The handling of checks or drafts for which sufficient funds are not on deposit;
- (6) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;
- (7) The handling of telephone requests for information; and
- (8) Special search charges.

[1993 c 471 § 24; 1993 c 269 § 14.]

Notes:

Severability--Effective date--1993 c 471: See RCW 19.09.914 and 19.09.915.
Effective date--1993 c 269: See note following RCW 23.86.070.

RCW 43.07.130 Secretary of state's revolving fund--Publication fees authorized, disposition.

Applicable Cases

There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of the secretary of state, and any other cost of carrying out the functions of the secretary of state under Title 23B RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.15, or 25.10 RCW.

The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered by the secretary of state under RCW 43.07.120(2), 23B.01.220 (1)(e), (6) and (7), 23B.18.050, 24.03.410, 24.06.455, or 46.64.040, and such other moneys as are expressly designated for deposit in the secretary of state's revolving fund shall be placed in the secretary of state's revolving fund.

[1994 c 211 § 1311; 1991 c 72 § 54; 1989 c 307 § 40; 1982 c 35 § 188; 1973 1st ex.s. c 85 § 1; 1971 ex.s. c 122 § 1.]

Notes:

Effective date--Severability--1994 c 211: See RCW 25.15.900 and 25.15.902.
Legislative finding--1989 c 307: See note following RCW 23.86.007.
Application--1989 c 307: See RCW 23.86.900.

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.140 Materials specifically authorized to be printed and distributed.

Applicable Cases

The secretary of state is hereby specifically authorized to print, reprint, and distribute the following materials:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23B RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of chapter 25.10 RCW;
- (6) The provisions of Title 29 RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state Constitution;
- (11) The provisions of chapters 40.14, 40.16, and 40.20 RCW, and any statutes, rules, schedules, indexes, guides, descriptions, or other materials related to the public records of state or local government or to the state archives; and
- (12) Rules and informational publications related to the statutory provisions set forth above.

[1991 c 72 § 55; 1982 c 35 § 189; 1973 1st ex.s. c 85 § 2.]

Notes:

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.150 Uniform commercial code powers, duties, and functions transferred to department of licensing.

Applicable Cases

All powers, duties, and functions vested by law in the secretary of state relating to the Uniform Commercial Code are transferred to the department of licensing.

[1979 c 158 § 92; 1977 ex.s. c 117 § 1.]

Notes:

Severability--1977 ex.s. c 117: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 117 § 13.]

Effective date--1977 ex.s. c 117: "This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977." [1977 ex.s. c 117 § 14.]

RCW 43.07.160 Authenticating officers--Appointment authorized--Use of facsimile signature.

Applicable Cases

The secretary of state may appoint authenticating officers and delegate to the authenticating officers power to sign for the secretary of state any document which, to have legal effect, requires the secretary of state's signature and which is of a class which the secretary of state has authorized for signature by the authenticating officers in a writing on file in the secretary of state's office. Authenticating officers shall sign in the following manner: "., Authenticating Officer for the Secretary of State"

The secretary of state may also delegate to the authenticating officers power to use the secretary of state's facsimile signature for signing any document which, to have legal effect, requires the secretary of state's signature and is of a class with respect to which the secretary of state has authorized use of his or her facsimile signature by a writing filed in the secretary of state's office. As used in this section, "facsimile signature" includes, but is not limited to, the reproduction of any authorized signature by a copper plate, a rubber stamp, or by a photographic, photostatic, or mechanical device.

The secretary of state shall effect the appointment and delegation by placing on file in the secretary of state's office in a single document the names of all persons appointed as authenticating officers and each officer's signature, a list of the classes of documents each authenticating officer is authorized to sign for the secretary of state, a copy of the secretary of state's facsimile signature, and a list of the classes of documents which each authenticating officer may sign for the secretary of state by affixing the secretary of state's facsimile signature. The secretary of state may revoke the appointment or delegation or powers by placing on file in the secretary of state's office a new single document which expressly revokes the authenticating officers and the powers delegated to them. The secretary of state shall record and index documents filed by him or her under this section, and the documents shall be open for public inspection.

The authorized signature of an authenticating officer or an authorized facsimile signature of the secretary of state shall have the same legal effect and validity as the genuine manual signature of the secretary of state.

[1982 c 35 § 2.]

Notes:

Intent--1982 c 35: "The legislature finds that the secretary of state's office, particularly the corporations division, performs a valuable public service for the business and nonprofit corporate community, and for the state of Washington. The legislature further finds that numerous filing and other requirements of the laws relating to the secretary of state's responsibilities have not been recently updated, thereby causing problems and delays for the corporate community as well as the secretary of state's office.

To provide better service to the corporate community in this state, and to permit the secretary of state to make efficient use of state resources and improve collection of state revenues, statutory changes are necessary. It is the intent of the legislature to provide for the modernization and updating of the corporate laws and other miscellaneous filing statutes and to give the secretary of state the appropriate authority the secretary of state needs to implement the modernization and streamlining effort." [1982 c 35 § 1.]

Severability--1982 c 35: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 35 § 202.]

Effective dates--Application--1982 c 35: "(1) Except as provided under subsection (3) of this section, this act shall take effect July 1, 1982.

(2) Sections 6, 14, 47, 72, 75(2), 76(4), 80, 81, 97, 101, 120, 121(4), 124, 169, and 171(4) shall be construed and apply only to actions taken or documents filed after that date.

(3) Sections 39, 45, 46, 52, 61, 63, and 201 of this act shall take effect January 1, 1983." [1982 c 35 § 203.] For codification of 1982 c 35, see Codification Tables, Volume 0.

RCW 43.07.170 Establishment of a corporate filing system using other methods authorized.

Applicable Cases

If the secretary of state determines that the public interest and the purpose of the corporation filing statutes administered by the secretary of state would be best served by a filing system utilizing microfilm, microfiche, or methods of reduced-format document recording, the secretary of state may, by rule adopted under chapter 34.05 RCW, establish such a filing system. In connection therewith, the secretary of state may eliminate any requirement for a duplicate original filing copy, and may establish reasonable requirements concerning paper size, print legibility, and quality for photo-reproduction processes as may be necessary to ensure utility and readability of any reduced-format filing system.

[1982 c 35 § 191.]

Notes:

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.173 Facsimile transmissions--Acceptance and filing by the secretary of state.

Applicable Cases

(1) The secretary of state shall accept and file in the secretary's office facsimile transmissions of any documents authorized or required to be filed pursuant to Title 23, 23B, 24, or 25 RCW or chapter 18.100 RCW. The acceptance by the secretary of state is conditional upon the document being legible and otherwise satisfying the requirements of state law or rules with respect to form and content, including those established under RCW 43.07.170. If the document must be signed, that requirement is satisfied by a facsimile copy of the signature.

(2) If a fee is required for filing the document, the secretary may reject the document for filing if the fee is not received before, or at the time of, receipt.

[1998 c 38 § 1.]

RCW 43.07.175 Copies of certain filed documents to insurance commissioner.

Applicable Cases

The secretary of state shall deliver to the office of the insurance commissioner copies of corporate documents filed with the secretary of state by health care service contractors and health maintenance organizations that have been provided for the insurance commissioner under RCW 48.44.013 and 48.46.012.

[1998 c 23 § 18.]

RCW 43.07.180 Staggered corporate license renewal system authorized.

Applicable Cases

The secretary of state may, by rule adopted under chapter 34.05 RCW, adopt and implement a system of renewals for annual corporate licenses or filings in which the renewal dates are staggered throughout the year.

To facilitate the implementation of the staggered system, the secretary of state may extend the duration of corporate licensing periods or report filing periods and may impose and collect such additional proportional fees as may be required on account of the extended periods.

[1982 c 35 § 192.]

Notes:

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.190 Use of a summary face sheet or cover sheet with the filing of certain documents authorized.

Applicable Cases

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23B RCW, or chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.36, or 25.10 RCW, the secretary of state may require the use of a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

[1991 c 72 § 56; 1989 c 307 § 41; 1982 c 35 § 193.]

Notes:

Legislative finding--1989 c 307: See note following RCW 23.86.007.

Application--1989 c 307: See RCW 23.86.900.

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

RCW 43.07.200 Business license center as secretary of state's agent for corporate renewals--Proposals for--Schedule.

Applicable Cases

Not later than July 1, 1982, the secretary of state and the director of licensing shall propose to the director of financial management a contract and working agreement with accompanying fiscal notes designating the business license center as the secretary of state's agent for issuing all or a portion of the corporation renewals within the jurisdiction of the secretary of state. The secretary of state and the director of licensing shall submit the proposed contract and accompanying fiscal notes to the legislature before October 1, 1982.

The secretary of state and the director of licensing shall jointly submit to the legislature by January 10, 1983, a schedule for designating the center as the secretary of state's agent for all such corporate renewals not governed by the contract.

[1982 c 182 § 12.]

Notes:

Severability--1982 c 182: See RCW 19.02.901.

Business license center act: Chapter 19.02 RCW.

Certain business or professional activity licenses exempt: RCW 19.02.800.

Master license system--Existing licenses or permits registered under, when: RCW 19.02.810.

RCW 43.07.205 Contract to issue conditional federal employer identification numbers, credentials, and documents in conjunction with license applications.

Applicable Cases

The secretary of state may contract with the federal internal revenue service, or other appropriate federal agency, to issue conditional federal employer identification numbers, or other federal credentials or documents, at specified offices and locations of the agency in conjunction with any application for state licenses under chapter 19.02 RCW.

[1997 c 51 § 3.]

Notes:

Intent--1997 c 51: See note following RCW 19.02.300.

RCW 43.07.210 Filing false statements--Penalty.

Applicable Cases

Any person who files a false statement, which he or she knows to be false, in the articles of incorporation or in any other materials required to be filed with the secretary of state shall be guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

[1984 c 75 § 25.]

RCW 43.07.220 Oral history program.

Applicable Cases

The secretary of state, at the direction of the oral history advisory committee, shall administer and conduct a program to record and document oral histories of current and former members and staff of the Washington state legislature, current and former state government officials and personnel, and other citizens who have participated in the political history of Washington state. The secretary of state shall contract with independent oral historians and through the history departments of the state universities to interview and record oral histories. The tapes and tape transcripts shall be indexed and made available for research and reference through the state archives. The transcripts, together with current and historical photographs, may be published for distribution to libraries and for sale to the general public.

[1991 c 237 § 1.]

Notes:

Effective date--1991 c 237: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on July

1, 1991." [1991 c 237 § 6.]

RCW 43.07.230 Oral history advisory committee--Members.

Applicable Cases

An oral history advisory committee is created, which shall consist of the following individuals:

- (1) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;
- (2) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (3) The chief clerk of the house of representatives;
- (4) The secretary of the senate; and
- (5) The secretary of state.

[1991 c 237 § 2.]

Notes:

Effective date--1991 c 237: See note following RCW 43.07.220.

RCW 43.07.240 Oral history advisory committee--Duties.

Applicable Cases

The oral history advisory committee shall have the following responsibilities:

- (1) To select appropriate oral history interview subjects;
- (2) To select transcripts or portions of transcripts, and related historical material, for publication;
- (3) To advise the secretary of state on the format and length of individual interview series and on appropriate issues and subjects for related series of interviews;
- (4) To advise the secretary of state on the appropriate subjects, format, and length of interviews and on the process for conducting oral history interviews with subjects currently serving in the Washington state legislature;
- (5) To advise the secretary of state on joint programs and activities with state universities, colleges, museums, and other groups conducting oral histories; and
- (6) To advise the secretary of state on other aspects of the administration of the oral history program and on the conduct of individual interview projects.

[1991 c 237 § 3.]

Notes:

Effective date--1991 c 237: See note following RCW 43.07.220.

RCW 43.07.290 Washington quality award council--Organization--Duties--Expiration.

Applicable Cases

- (1) The Washington quality award council shall be organized as a private, nonprofit corporation, in accordance with chapter 24.03 RCW and this section, with limited staff assistance by the secretary of state as provided by RCW 43.07.295.

(2) The council shall oversee the governor's Washington state quality achievement award program. The purpose of the program is to improve the overall competitiveness of the state's economy by stimulating Washington state industries, business, and organizations to bring about measurable success through setting standards of organizational excellence, encouraging organizational self-assessment, identifying successful organizations as role models, and providing a valuable mechanism for promoting and strengthening a commitment to continuous quality improvement in all sectors of the state's economy. The program shall annually recognize organizations that improve the quality of their products and services and are noteworthy examples of high-performing work organizations.

(3) The council shall consist of the governor and the secretary of state, or their designees, as chair and vice-chair, respectively, the director of the department of community, trade, and economic development, or his or her designee, and twenty-seven members appointed by the governor. Those twenty-seven council members must be selected from recognized professionals who shall have backgrounds in or experience with effective quality improvement techniques, employee involvement quality of work life initiatives, development of innovative labor-management relations, and other recognized leaders in state and local government and private business. The membership of the board beyond the chair and vice-chair shall be appointed by the governor for terms of three years.

(4) The council shall establish a board of examiners, a recognition committee, and such other subcouncil groups as it deems appropriate to carry out its responsibilities. Subcouncil groups established by the council may be composed of noncouncilmembers.

(5) The council shall compile a list of resources available for organizations interested in productivity improvement, quality techniques, effective methods of work organization, and upgrading work force skills as a part of the quality for Washington state foundation's ongoing educational programs. The council shall make the list of resources available to the general public.

(6) The council may conduct such public information, research, education, and assistance programs as it deems appropriate to further quality improvement in organizations operating in the state of Washington.

(7) The council shall:

- (a) Approve and announce achievement award recipients;
- (b) Approve guidelines to examine applicant organizations;
- (c) Approve appointment of judges and examiners;
- (d) Arrange appropriate annual awards and recognition for recipients, in conjunction with the quality for Washington state foundation;
- (e) Formulate recommendations for change in the nomination form or award categories, in cooperation with the quality for Washington state foundation; and
- (f) Review any related education, training, technology transfer, and research initiatives proposed to it, and that it determines merit such a review.

(8) By January 1st of each even-numbered year, the council may report to the governor and the appropriate committees of the legislature on its activities in the proceeding two years and on any recommendations in state policies or programs that could encourage quality improvement

and the development of high-performance work organizations.

(9) The council shall cease to exist on July 1, 1999, unless otherwise extended by law.

[1998 c 245 § 86; 1997 c 329 § 1; 1994 c 306 § 1. Formerly RCW 43.330.140.]

RCW 43.07.295 Washington quality award council--Administrative assistance.

Applicable Cases

(1) The secretary of state shall provide administrative assistance and support to the Washington quality award council only to the extent that the legislature appropriates funds specifically designated for this purpose. The secretary of state has no duty to provide assistance or support except to the extent specifically provided by appropriation.

(2) The Washington quality award council may develop private sources of funding, including the establishment of a private foundation. Except as provided in subsection (1) of this section, the council shall receive all administrative support and expenses through private sources of funding and arrangements with a private foundation. Public funds shall not be used to purchase awards, be distributed as awards, or be utilized for any expenses of the board of examiners, recognition committee, and such other subcouncil groups as the council may establish. Public funds shall not be used to pay overtime or travel expenses of secretary of state staff, for purposes related to the council, unless funded by specific appropriation.

[1997 c 329 § 2.]

RCW 43.07.300 Division of elections--Director.

Applicable Cases

The secretary of state shall establish a division of elections within the office of the secretary of state and under the secretary's supervision. The division shall be under the immediate supervision of a director of elections who shall be appointed by the secretary of state and serve at the secretary's pleasure.

[1992 c 163 § 1.]

RCW 43.07.310 Division of elections--Duties.

Applicable Cases

The secretary of state, through the division of elections, is responsible for the following duties, as prescribed by Title 29 RCW:

(1) The filing, verification of signatures, and certification of state initiative, referendum, and recall petitions;

(2) The production and distribution of a state voters' and candidates' pamphlet;

(3) The examination, testing, and certification of voting equipment, voting devices, and vote-tallying systems;

(4) The administration, canvassing, and certification of the presidential primary, state primaries, and state general elections;

(5) The administration of motor voter and other voter registration and voter outreach programs;

- (6) The training, testing, and certification of state and local elections personnel as established in RCW 29.60.030;
- (7) The training of state and local party observers required by RCW 29.60.040;
- (8) The conduct of postelection reviews as established in RCW 29.60.070; and
- (9) Other duties that may be prescribed by the legislature.

[1992 c 163 § 2.]

RCW 43.07.350 Citizens' exchange program.

Applicable Cases

The secretary of state, in consultation with the *department of trade, the department of agriculture, economic development consultants, the consular corps, and other international trade organizations, shall develop a Washington state citizens' exchange program that will initiate and promote:

- (1) Citizen exchanges between Washington state agricultural, technical, and educational groups and organizations with their counterparts in targeted foreign countries.
- (2) Expanded educational and training exchanges between Washington state individuals and organizations with similar groups in targeted foreign countries.
- (3) Programs to extend Washington state expertise to targeted foreign countries to help promote better health and technical assistance in agriculture, water resources, hydroelectric power, forestry management, education, and other areas.
- (4) Efforts where a special emphasis is placed on utilizing Washington state's rich human resources who are retired from public and private life and have the time to assist in this program.
- (5) People-to-people programs that may result in increased tourism, business relationships, and trade from targeted foreign nations to the Pacific Northwest.

[1993 c 113 § 1.]

Notes:

***Reviser's note:** The department of trade and economic development was the correct name for this department. The name of the department is now the department of community, trade, and economic development, pursuant to 1993 c 280.

RCW 43.07.360 International contact data base--Findings. (*Expires December 31, 2000.*)

Applicable Cases

- (1) *The legislature finds that knowledge of international exchange students who have studied in Washington state institutions of higher education, especially those from key trading partner countries, and knowledge of Washington state students, interns, and citizens working and studying abroad, is critical to the ability of Washington businesses and citizens to establish contacts and networks in the competitive world market.*
- (2) *The legislature also finds that knowledge of worldwide business contacts, government contacts, cultural contacts, and international friends is critical to building a solid network of opportunities for developing trade relations for our state.*

(3) *The secretary of state may develop and maintain a data base, to be known as the international contact data base, listing, in addition to any other information: (a) Washington students, interns, and citizens working and studying overseas; (b) international students who have studied at Washington educational institutions; (c) exchange opportunities for Washington residents wishing to participate in education, internships, or technical assistance programs in the areas of agriculture, hydroelectric power, aerospace, computers and technology, academics, medicine, and communications; (d) international business contacts of those people interested in doing business with Washington business; and (e) international government contacts, particularly with our key trading partners.*

The data base may be designed to be used as a resource for Washington citizens, businesses, and other entities seeking contacts in international trade markets overseas.

(4) *The department of community, trade, and economic development, the department of agriculture, and the governor's office of protocol may assist the secretary of state in designing and developing the data base and in obtaining data for inclusion in the data base. Four-year educational institutions and their alumni associations are encouraged to maintain data concerning students studying or working abroad, international students attending their institutions, and exchange opportunities available to their students and other citizens, and to make such data freely available to the secretary of state for inclusion in the data base.*

(5) *The information contained in the data base may be made available on request for inspection or copying for free or at cost. The secretary of state shall not distinguish among persons requesting information from the data base, though the secretary of state may request information from requesters for purposes of monitoring trade contacts and evaluating the uses and effectiveness of the data base.*

(6) *Any person listed in the data base may request in writing that his or her name, address, telephone number, or other identifying information be omitted from the data base. Nothing in this section prohibits the secretary of state from refusing to disclose information exempt from disclosure under RCW 42.17.310.*

[1996 c 253 § 301.]

Notes:

Expiration date--1996 c 253 §§ 201-205 and 301: See note following RCW 43.292.005.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

Chapter 43.08 RCW STATE TREASURER

RCW

43.08.010	General duties.
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43.08.020	Residence--Bond--Oath.
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- 43.08.050 Records and accounts--Public inspection.
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- 43.08.070 Warrants--Indorsement--Interest--Issuance of new warrants.
- 43.08.080 Call of warrants.
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- 43.08.120 Assistant--Deputies--Responsibility for acts.
- 43.08.130 Wilful refusal to pay warrants--Exceptions--Recovery.
- 43.08.135 Cash or demand deposits--Duty to maintain--RCW 9A.56.060(1) not deemed violated, when.
- 43.08.140 Embezzlement--Penalty.
- 43.08.150 Monthly financial report on funds and accounts.
- 43.08.160 Monthly financial report--Report to be printed.
- 43.08.180 Cashing checks, drafts, and state warrants--Discretionary--Conditions--Procedure upon dishonor.
- 43.08.190 State treasurer's service fund--Creation--Purpose.
- 43.08.200 State treasurer's service fund--Expenditure limitation.
- 43.08.250 Public safety and education account--Use.
- 43.08.260 Public safety and education account to fund civil representation of indigent persons--When authorized--Distribution formula--Audit--Rules.
- 43.08.270 Joint legislative civil legal services oversight committee.
- 43.08.280 State-wide custody contract for local governments and institutions of higher education.

Notes:

Acquisition of highway property in advance of programmed construction, treasurer's duties relating to: Chapter 47.12 RCW.

Actions against state on warrant appearing to be redeemed: RCW 4.92.200.

Advances: Chapter 42.26 RCW.

Astoria-Megler bridge project, treasurer's duties relating to: RCW 47.56.652.

Bonds, notes, and other evidences of indebtedness, treasurer's duties: Chapter 39.42 RCW.

Budget and accounting system, powers and duties: RCW 43.88.160.

Centennial document preservation and modernization account: RCW 36.22.170.

Council for the prevention of child abuse and neglect, depository for: RCW 43.121.100.

Document preservation in counties, treasurer's duties: RCW 36.22.170 through 36.22.190.

Drivers' training schools, treasurer's powers and duties relating to: Chapter 46.82 RCW.

Duties: State Constitution Art. 3 § 19.

Election: State Constitution Art. 3 § 1.

Eminent domain by state, warrant to pay damages and costs to court: RCW 8.04.160.

Ex officio treasurer of judges' retirement fund: RCW 2.12.010.

Fair fund, horse racing moneys: RCW 15.76.115.

Fire insurance premium funds, distribution of, duties: RCW 41.16.050.

For-hire motor vehicle certificates and operators' permits, treasurer's powers and duties relating to: Chapter 46.72

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Forest reserve funds, distribution of: RCW 28A.520.010 and 28A.520.020.

Funds from franchises across bridges jointly owned or operated, treasurer to deposit into proper fund: RCW 47.44.040.

Gambling commission, payments for costs of audit: RCW 9.46.060.

Gambling revolving fund, treasurer as custodian: RCW 9.46.100.

Highway funds generally, treasurer's powers and duties relating to: Chapter 47.08 RCW.

Investment accounting: RCW 43.33A.180.

Investment board member: RCW 43.33A.020.

Judges' retirement fund, duties concerning: RCW 2.12.050 and 2.12.060.

Liquor revolving fund, custody of: RCW 66.08.170.

Misappropriation of funds, penalty: RCW 42.20.090.

Motor vehicle

dealers' licenses, treasurer's powers and duties relating to: Chapter 46.70 RCW.

responsibility act, treasurer's duties under: Chapter 46.29 RCW.

revenue, treasurer's powers and duties relating to: Chapter 46.68 RCW.

transporters' licensing, treasurer's powers and duties relating to: Chapter 46.76 RCW.

Oath of office: RCW 43.01.020, 43.08.020.

Obstructions on highway right of way, treasurer's duties relating to: RCW 47.32.060.

Off-road and nonhighway vehicles, treasurer's duties: RCW 46.09.030, 46.09.170.

Payments from, judgments against state: RCW 4.92.040.

Public employees' retirement, statement concerning: RCW 41.50.260, 41.50.265.

Public funds

accounting for: RCW 43.88.160.

classification by fund or account: RCW 43.88.160.

disbursement by warrant or check: RCW 43.88.160.

receipt and keeping of: RCW 43.88.160.

revolving funds, custody over: RCW 43.88.190.

Public utility districts, privilege taxes, duties in regard to: RCW 54.28.040.

Puget Sound ferry and toll bridge system, treasurer's powers and duties relating to: Chapter 47.60 RCW.

Purchase of bridges or ferries by department of transportation, treasurer's powers and duties relating to: RCW 47.56.050.

Records and accounts to be kept at seat of government: State Constitution Art. 3 § 24.

Residence must be at seat of government: State Constitution Art. 3 § 24.

Salary, amount of: State Constitution Art. 3 § 19, Art. 28 § 1; RCW 43.03.010.

Snowmobile act, treasurer's duties: Chapter 46.10 RCW.

State canvassing board member: RCW 29.62.100.

State finance committee

chairman: RCW 43.33.040.

member: RCW 43.33.010.

State trade fair fund, horse racing moneys: RCW 43.31.805.

Succession to governorship: State Constitution Art. 3 § 10.

Surplus funds, investment program: Chapter 43.86A RCW.

Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Toll bridges, improvement of existing bridge and construction of new bridge as single project, treasurer's powers and duties relating to: Chapter 47.58 RCW.

Vehicle wreckers' licensing, treasurer's powers and duties relating to: Chapter 46.80 RCW.

Vocational rehabilitation funds, custodian of: RCW 74.29.050.

Volunteer fire fighters' board of trustees, report, duties: RCW 41.24.070.

Warrants or checks, unlawful to issue except upon forms prescribed by director of financial management: RCW 43.88.160.

Washington State University

bonds and securities, annual report to regents: RCW 28B.30.300.

receiving agent for federal aid to: RCW 28B.30.270.

RCW 43.08.010 General duties.

Applicable Cases

The state treasurer shall:

(1) Receive and keep all moneys of the state in the manner provided in RCW 43.88.160, as now or hereafter amended;

(2) Disburse the public moneys only upon warrants or checks drawn upon the treasurer in the manner provided by law;

(3) Account for moneys in the manner provided by law;

(4) Render accounts in the manner provided by law;

(5) Indorse on each warrant when required by law, the date of payment, the amount of the principal, and the interest due on that date;

(6) Report annually to the legislature a detailed statement of the condition of the treasury, and of its operations for the preceding fiscal year;

(7) Give information, in writing, to either house of the legislature, whenever required, upon any subject connected with the treasury, or touching any duty of his office;

(8) Account for and pay over all moneys on hand to his successor in office, and deliver all books, vouchers, and effects of office to him, who shall receipt therefor;

(9) Upon payment of any warrant, or check, take upon the back thereof the indorsement of the person to whom it is paid.

[1977 c 75 § 38; 1965 c 8 § 43.08.010. Prior: 1890 p 642 § 1; RRS § 11019; prior: 1886 p 134 § 2; 1871 p 77 § 2; 1864 p 52 § 3; 1854 p 413 § 3.]

Notes:

Budget and accounting system, powers and duties: RCW 43.88.160.

RCW 43.08.015 Cash management duties.

Applicable Cases

Within the policies and procedures established pursuant to RCW 43.41.110(13) and 43.88.160(1), the state treasurer shall take such actions as are necessary to ensure the effective cash management of public funds. This cash management shall include the authority to represent the state in all contractual relationships with financial institutions. The state treasurer may delegate cash management responsibilities to the affected agencies with the concurrence of the office of financial management.

[1993 c 500 § 3.]

Notes:

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

RCW 43.08.020 Residence--Bond--Oath.

Applicable Cases

The state treasurer shall reside and keep his office at the seat of government. Before entering upon his duties, he shall execute and deliver to the secretary of state a bond to the state in a sum of not less than five hundred thousand dollars, to be approved by the secretary of state and one of the justices of the supreme court, conditioned to pay all moneys at such times as required by law, and for the faithful performance of all duties required of him by law. He shall take an oath of office, to be indorsed on his commission, and file a copy thereof, together with the bond, in the office of the secretary of state.

[1972 ex.s. c 12 § 1. Prior: 1971 c 81 § 108; 1971 c 14 § 1; 1965 c 8 § 43.08.020; prior: 1890 p 642 § 2; RRS § 11022; prior: 1886 p 133 § 1; 1881 p 18 § 1; 1871 p 76 § 1; 1864 p 51 § 2; 1854 p 413 § 2.]

RCW 43.08.030 Seal.

Applicable Cases

The treasurer shall keep a seal of office for the authentication of all papers, writings, and documents required to be certified by him.

[1965 c 8 § 43.08.030. Prior: 1890 p 643 § 6; RRS § 11025; prior: 1886 p 135 § 6; 1871 p 78 § 6; 1864 p 53 § 7; 1854 p 414 § 7.]

RCW 43.08.040 Administration of oaths.

Applicable Cases

The treasurer may administer all oaths required by law in matters pertaining to the duties of his office.

[1965 c 8 § 43.08.040. Prior: 1890 p 643 § 5; RRS § 11024; prior: 1886 p 135 § 5; 1871 p 78 § 5; 1864 p 53 § 6; 1854 p 414 § 6.]

RCW 43.08.050 Records and accounts--Public inspection.

Applicable Cases

All the books, papers, letters, and transactions pertaining to the office of treasurer shall be open for the inspection of a committee of the legislature to examine or settle all accounts, and to count all money; and to the inspection of the public generally during office hours; and when the successor of any treasurer is elected and qualified, the state auditor shall examine and settle all the accounts of the treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities, and effects for which he is accountable, which have been delivered to his successor, and report the same to the legislature.

[1965 c 8 § 43.08.050. Prior: 1890 p 643 § 3; RRS § 11023; prior: 1886 p 134 § 3; 1864 p 53 § 4; 1854 p 414 § 4.]

Notes:

Public records, budget and accounting system: RCW 43.88.200.

RCW 43.08.060 Duplicate receipts.

Applicable Cases

All persons required by law to pay any moneys into the state treasury, or to transmit any public funds to the state treasurer on state accounts, shall, at the time of making such payments or transmissions specify the amount and date of such payment, and for what particular fund or account.

For all sums of money so paid the state treasurer shall forthwith give duplicate receipts in accordance with the rules and regulations promulgated by the office of financial management as authorized by RCW 43.88.160(1).

[1979 c 151 § 89; 1977 c 16 § 1; 1965 c 8 § 43.08.060. Prior: 1890 p 643 § 4; RRS § 5504; prior: 1886 p 134 § 4; 1871 p 78 § 4; 1864 p 53 § 5; 1854 p 414 § 5.]

RCW 43.08.061 Warrants--Public printer to print--Retention of redeemed warrants.

Applicable Cases

The public printer shall print all state treasury warrants for distribution as directed by the state treasurer. All warrants redeemed by the state treasurer shall be retained for a period of one year, following their redemption, after which they may be destroyed without regard to the requirements imposed for their destruction by chapter 40.14 RCW.

[1993 c 38 § 1; 1981 c 10 § 1; 1975 c 48 § 2.]

Notes:

Actions against state on redeemed warrants, time limitation: RCW 4.92.200.

RCW 43.08.062 Warrants--Presentation--Cancellation.

Applicable Cases

Should the payee or legal holder of any warrant drawn against the state treasury fail to present the warrant for payment within one hundred eighty days of the date of its issue or, if registered and drawing interest, within one hundred eighty days of its call, the state treasurer shall enter the same as canceled on the books of his office.

Should the payee or legal owner of such a canceled warrant thereafter present it for payment, the state treasurer may, upon proper showing by affidavit and the delivery of the warrant into his possession, issue a new warrant in lieu thereof, and the state treasurer is authorized to pay the new warrant.

[1986 c 99 § 1; 1981 c 10 § 2; 1965 c 8 § 43.08.062. Prior: 1890 p 638 § 13; RRS § 11008; prior: 1883 p 61 § 1. Formerly RCW 43.09.100.]

RCW 43.08.064 Lost or destroyed warrants, instruments, or other evidence of indebtedness--Issuing officer to issue duplicate.

Applicable Cases

In case of the loss or destruction of a state warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any state officer, or agency, such

officer, or such agency through its appropriate officer may issue or cause to be issued a duplicate in lieu thereof, bearing the same number, class, or designation in all respects and for the same amount as the original, except that the word duplicate shall plainly appear upon the face of the new instrument in such a manner as to clearly identify it as a duplicate instrument. The duplicate instrument so issued shall be subject in all other respects to the same provisions of law as the original instrument.

[1979 ex.s. c 71 § 3; 1975-'76 2nd ex.s. c 77 § 2; 1965 ex.s. c 61 § 1; 1965 c 8 § 43.08.064. Prior: 1890 p 639 § 15; RRS § 11010; prior: 1888 p 236 § 1. Formerly RCW 43.09.110.]

Notes:

Lost or destroyed evidence of indebtedness issued by local governments: Chapter 39.72 RCW.

RCW 43.08.066 Lost or destroyed warrants, instruments, or other evidence of indebtedness--Conditions on issuance.

Applicable Cases

Before a duplicate instrument is issued, the state treasurer or other issuing officer shall require the person making application for its issue to file in his office a written affidavit specifically alleging on oath that he is the proper owner, payee, or legal representative of such owner or payee of the original instrument, giving the date of issue, the number, amount, and for what services or claim or purpose the original instrument or series of instruments of which it is a part was issued, and that the same has been lost or destroyed, and has not been paid, or has not been received by him: PROVIDED, That in the event that an original and its duplicate instrument are both presented for payment as a result of forgery or fraud, the issuing officer shall be the state agency responsible for endeavoring to recover any losses suffered by the state.

[1979 ex.s. c 71 § 4; 1972 ex.s. c 74 § 1; 1971 ex.s. c 54 § 1; 1965 ex.s. c 61 § 2; 1965 c 8 § 43.08.066. Prior: 1890 p 639 § 16; RRS § 11011; prior: 1888 p 236 § 2. Formerly RCW 43.09.120.]

RCW 43.08.068 Lost or destroyed warrants, instruments, or other evidence of indebtedness--Records to be kept--Cancellation of originals--Notice.

Applicable Cases

The state treasurer or other issuing officer shall keep a full and complete record of all warrants, bonds or other instruments alleged to have been lost or destroyed, which were issued by such agency, and of the issue of any duplicate therefor; and upon the issuance of any duplicate, the officer shall enter upon his books the cancellation of the original instrument and immediately notify the state treasurer, the state auditor, and all trustees and paying agents authorized to redeem such instruments on behalf of the state of Washington, of such cancellation. The treasurer shall keep a similar list of all warrants, bonds or other instruments so canceled.

[1965 ex.s. c 61 § 3; 1965 c 8 § 43.08.068. Prior: 1890 p 640 § 17; RRS § 11012; prior: 1888 p 236 § 3. Formerly RCW 43.09.130.]

RCW 43.08.070 Warrants--Indorsement--Interest--Issuance of new warrants.

Applicable Cases

Upon the presentation of any state warrant to the state treasurer, if there is not sufficient money then available in the appropriate fund with which to redeem all warrants drawn against such fund which the treasurer anticipates will be presented for payment during the current business day, he may endorse on the warrant, "Not paid for want of funds," with the day and date of presentation, and the warrant shall draw legal interest from and including that date until five days from and after being called for payment in accordance with RCW 43.08.080, or until paid, whichever occurs first; or, in the alternative, the treasurer may prepare and register a single new warrant, drawn against the appropriate fund, and exchange such new warrant for one or more warrants not paid for want of funds when presented for payment totaling a like amount but not exceeding one million dollars, which new warrant shall then draw legal interest from and including its date of issuance until five days from and after being called for payment in accordance with RCW 43.08.080, or until paid, whichever occurs first. The legal rate or rates of interest on these warrants shall be established by the state treasurer in accordance with RCW 39.56.030.

[1981 c 10 § 3; 1971 ex.s. c 88 § 2; 1965 c 8 § 43.08.070. Prior: 1869 p 408 § 2; RRS § 5516.]

Notes:

Severability--1971 ex.s. c 88: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 88 § 6.]

RCW 43.08.080 Call of warrants.

Applicable Cases

When the state treasurer deems that there is sufficient money in a fund to pay all or part of the registered warrants of such fund, and the warrants are not presented for payment, he may advertise at least once in some newspaper published at the seat of government, stating the serial number of the warrants he is calling and prepared to pay; and if such warrants are not presented for payment within five days from and after the date of publication of the notice, the warrants shall not then draw any further interest: PROVIDED, That when said fund has a balance in excess of three percent of the preceding monthly warrant issue of said fund, or at any time that the money in the fund exceeds the warrants outstanding, the state treasurer shall similarly advertise a call for all those registered warrants which can be fully paid out of said fund in accordance with their registration sequence.

[1971 ex.s. c 88 § 3; 1965 c 8 § 43.08.080. Prior: 1890 p 644 § 8; RRS § 5517; prior: 1886 p 135 § 9; 1871 p 79 § 9.]

Notes:

Severability--1971 ex.s. c 88: See note following RCW 43.08.070.

RCW 43.08.090 Fiscal agent for state.

Applicable Cases

The state treasurer shall be ex officio the fiscal agent of the state.

[1965 c 8 § 43.08.090. Prior: 1891 c 138 § 1; RRS § 5484.]

Notes:

Fiscal agencies: Chapter 43.80 RCW.

RCW 43.08.100 Fiscal agent for state--Duties of fiscal agent.

Applicable Cases

The fiscal agent of the state shall receive all moneys due the state from any other state or from the federal government, take all necessary steps for the collection thereof, and apply the same to the funds to which they belong. He shall collect from time to time all moneys that may accrue to the state by virtue of section 13 of the enabling act, or from any other source not otherwise provided for by law.

[1965 c 8 § 43.08.100. Prior: (i) 1891 c 138 § 2; RRS § 5485. (ii) 1891 c 138 § 4; RRS § 5487.]

RCW 43.08.110 Fiscal agent for state--Fiscal agent's receipts.

Applicable Cases

The fiscal agent shall issue the necessary receipts for all moneys collected, and such receipts shall show the date when paid, the amount, from whom received, and on what account the money was collected.

One or more copies of such receipt shall be given to the persons from whom the money was received, and one copy shall be given to the director of financial management.

[1979 c 151 § 90; 1965 c 8 § 43.08.110. Prior: 1891 c 138 § 3; RRS § 5486.]

RCW 43.08.120 Assistant--Deputies--Responsibility for acts.

Applicable Cases

The state treasurer may appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer, and in case of a vacancy in the office of state treasurer, perform the duties of the office until the vacancy is filled as provided by law.

The state treasurer may appoint no more than three deputy state treasurers, who shall have the power to perform any act or duty which may be performed by the state treasurer.

The assistant state treasurer and the deputy state treasurers shall be exempt from the provisions of chapter 41.06 RCW and shall hold office at the pleasure of the state treasurer; they shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers.

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurers.

[1973 c 10 § 1; 1971 c 15 § 1; 1965 c 8 § 43.08.120. Prior: 1921 c 36 § 1; RRS § 11020.]

RCW 43.08.130 Wilful refusal to pay warrants--Exceptions--Recovery.

Applicable Cases

If the state treasurer wilfully refuses to pay except in accordance with the provisions of

RCW 43.08.070 or by cash or check any warrant designated as payable in the state treasurer's office which is lawfully drawn upon the state treasury, or knowingly pays any warrant otherwise than as provided by law, then any person injured thereby may recover by action against the treasurer and the sureties on his official bond.

[1972 ex.s. c 145 § 2; 1965 c 8 § 43.08.130. Prior: 1890 p 644 § 7; RRS § 11026; prior: 1886 p 135 § 8; 1871 p 78 § 8; 1864 p 53 § 8; 1854 p 414 § 8.]

RCW 43.08.135 Cash or demand deposits--Duty to maintain--RCW 9A.56.060(1) not deemed violated, when.

Applicable Cases

The state treasurer shall maintain at all times cash, or demand deposits in qualified public depositories in an amount needed to meet the operational needs of state government: PROVIDED, That the state treasurer shall not be considered in violation of RCW 9A.56.060(1) if he maintains demand accounts in public depositories in an amount less than all treasury warrants issued and outstanding.

[1983 c 3 § 100; 1972 ex.s. c 145 § 3.]

RCW 43.08.140 Embezzlement--Penalty.

Applicable Cases

If any person holding the office of state treasurer fails to account for and pay over all moneys in his or her hands in accordance with law, or unlawfully converts to his or her own use in any way whatever, or uses by way of investment in any kind of property, or loans without authority of law, any portion of the public money intrusted to him or her for safekeeping, transfer, or disbursement, or unlawfully converts to his or her own use any money that comes into his or her hands by virtue of his or her office, the person shall be guilty of embezzlement, and upon conviction thereof, shall be imprisoned in a state correctional facility not exceeding fourteen years, and fined a sum equal to the amount embezzled.

[1992 c 7 § 40; 1965 c 8 § 43.08.140. Prior: 1890 p 644 § 10; RRS § 11027; prior: 1886 p 105 § 11.]

Notes:

Misappropriation of funds: RCW 42.20.070, 42.20.090.

RCW 43.08.150 Monthly financial report on funds and accounts.

Applicable Cases

As soon as possible after the close of each calendar month, the state treasurer shall prepare a report as to the state of the general fund and every other fund under his control itemized as to:

- (1) The amount in the fund at the close of business at the end of the preceding month;
- (2) The amount of revenue deposited or transferred to the credit of each fund during the current month;
- (3) The amount of withdrawals or transfers from each fund during the current month; and
- (4) The amount on hand in each fund at the close of business at the end of the current

month.

One copy of each report shall be provided promptly to those requesting them so long as the supply lasts.

[1977 c 75 § 39; 1965 c 8 § 43.08.150. Prior: 1947 c 32 § 1; Rem. Supp. 1947 § 11019-1.]

Notes:

Biennial reports, periods: RCW 43.01.035.

Investment of surplus funds, rules and allocations to be published in report: RCW 43.86A.050.

Reports, budget and accounting system: RCW 43.88.160.

RCW 43.08.160 Monthly financial report--Report to be printed.

Applicable Cases

The state treasurer shall cause all such reports to be printed as other public documents are printed and the approval of no other officer of the state shall be necessary in carrying out the purposes of RCW 43.08.150.

[1965 c 8 § 43.08.160. Prior: 1947 c 32 § 2; Rem. Supp. 1947 § 11019-2.]

RCW 43.08.180 Cashing checks, drafts, and state warrants--Discretionary--Conditions--Procedure upon dishonor.

Applicable Cases

The state treasurer is hereby authorized, in the treasurer's discretion and as a service to state officers and employees, and to those known by the treasurer or the treasurer's staff, to accept in exchange for cash the checks, drafts, or Washington state warrants drawn or endorsed by these authorized persons and presented to the treasurer's office as meet each of the following conditions:

- (1) The check or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution; and
- (2) The person presenting the check, draft, or Washington state warrant to the treasurer must produce such identification as the treasurer may require.

In the event that any check or draft cashed for a state officer or employee by the state treasurer under this section is dishonored by the drawee financial institution when presented for payment, the treasurer is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next state salary warrant the full amount of the dishonored check or draft.

[1984 c 74 § 1; 1971 c 5 § 1.]

RCW 43.08.190 State treasurer's service fund--Creation--Purpose.

Applicable Cases

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund

equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW *43.79.040(2)(b) or **43.84.092(2)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

[1991 sp.s. c 13 § 83; 1985 c 405 § 506; 1973 c 27 § 2.]

Notes:

Reviser's note: *(1) The reference to RCW 43.79.040(2)(b) is incorrect. RCW 43.79A.040(2)(b) was apparently intended; and was subsequently amended by 1993 sp.s. c 8 § 2 deleting subsection (2)(b).

** (2) RCW 43.84.092 was amended by 1993 c 500 § 6, changing subsection (2)(b) to subsection (4)(b).

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Severability--1985 c 405: See note following RCW 9.46.100.

RCW 43.08.200 State treasurer's service fund--Expenditure limitation.

Applicable Cases

All moneys deposited in the state treasurer's service fund shall be expended only pursuant to legislative appropriation and for the purposes set forth in RCW 43.08.190, 43.08.200, and *43.85.241.

[1973 c 27 § 3.]

Notes:

***Reviser's note:** RCW 43.85.241 was repealed by 1985 c 57 § 90, effective July 1, 1985.

RCW 43.08.250 Public safety and education account--Use.

Applicable Cases

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs. During the fiscal biennium ending June 30, 2001, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, and the replacement of the department of corrections' offender-based tracking system.

[1999 c 309 § 915; 1997 c 149 § 910; 1996 c 283 § 901; 1995 2nd sp.s. c 18 § 912; 1993 sp.s. c 24 § 917; 1992 c 54 § 3. Prior: 1991 sp.s. c 16 § 919; 1991 sp.s. c 13 § 25; 1985 c 57 § 27; 1984 c 258 § 338.]

Notes:

Severability--Effective date--1999 c 309: See notes following RCW 41.45.063.

Severability--1997 c 149: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 149 § 917.]

Effective date--1997 c 149: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 149 § 918.]

Severability--1996 c 283: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 283 § 904.]

Effective date--1996 c 283: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996]." [1996 c 283 § 905.]

Severability--Effective date--1995 2nd sp.s. c 18: See notes following RCW 19.118.110.

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Effective date--1992 c 54: See note following RCW 36.18.020.

Severability--Effective date--1991 sp.s. c 16: See notes following RCW 9.46.100.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Public safety and education assessment: RCW 3.62.090.

RCW 43.08.260 Public safety and education account to fund civil representation of indigent persons--When authorized--Distribution formula--Audit--Rules.

Applicable Cases

(1)(a) The legislature recognizes the ethical obligation of attorneys to represent clients without interference by third parties in the discharge of professional obligations to clients. However, to ensure the most beneficial use of state resources, the legislature finds that it is within the authority of the legislature to specify the categories of legal cases in which qualified legal aid programs may provide civil representation with state moneys. Accordingly, moneys appropriated for civil legal representation pursuant to this section shall not be used for legal representation that is either outside the scope of this section or prohibited by this section.

(b) Nothing in this section is intended to limit the authority of existing entities, including but not limited to the Washington state bar association, the public disclosure commission, the state auditor, and the federal legal services corporation to resolve issues within their respective jurisdictions.

(2) Any money appropriated by the legislature from the public safety and education account pursuant to RCW 43.08.250 or from any other state fund or account for civil representation of indigent persons shall be used solely for the purpose of contracting with

qualified legal aid programs for legal representation of indigent persons in matters relating to: (a) Domestic relations and family law matters, (b) public assistance and health care, (c) housing and utilities, (d) social security, (e) mortgage foreclosures, (f) home protection bankruptcies, (g) consumer fraud and unfair sales practices, (h) rights of residents of long-term care facilities, (i) wills, estates, and living wills, (j) elder abuse, and (k) guardianship.

(3) For purposes of this section, a "qualified legal aid program" means a not-for-profit corporation incorporated and operating exclusively in Washington which has received basic field funding for the provision of civil legal services to indigents from the federal legal services corporation or that has received funding for civil legal services for indigents under this section before July 1, 1997.

(4) The department of community, trade, and economic development shall establish a distribution formula based on the distribution by county of individuals with incomes below the official federal poverty level guidelines. When entering into a contract with a qualified legal services provider under this section, the department shall require the provider to provide legal services in a manner that maximizes geographic access in accordance with the formula established in this subsection (4).

(5) Funds distributed to qualified legal aid programs under this section may not be used directly or indirectly for:

(a) Lobbying.

(i) For purposes of this section, "lobbying" means any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device directly or indirectly intended to influence any member of congress or any other federal, state, or local nonjudicial official, whether elected or appointed:

(A) In connection with any act, bill, resolution, or similar legislation by the congress of the United States or by any state or local legislative body, or any administrative rule, rule-making activity, standard, rate, or other enactment by any federal, state, or local administrative agency;

(B) In connection with any referendum, initiative, constitutional amendment, or any similar procedure of the congress, any state legislature, any local council, or any similar governing body acting in a legislative capacity; or

(C) In connection with inclusion of any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient of funds under this section.

(ii) "Lobbying" does not include the response of an employee of a legal aid program to a written request from a governmental agency, an elected or appointed official, or committee on a specific matter. This exception does not authorize communication with anyone other than the requesting party, or agent or employee of such agency, official, or committee.

(b) Grass roots lobbying. For purposes of this section, "grass roots lobbying" means preparation, production, or dissemination of information the purpose of which is to encourage the public at large, or any definable segment thereof, to contact legislators or their staff in support of or in opposition to pending or proposed legislation; or contribute to or participate in a demonstration, march, rally, lobbying campaign, or letter writing or telephone campaign for the

purpose of influencing the course of pending or proposed legislation.

(c) Class action lawsuits.

(d) Participating in or identifying the program with prohibited political activities. For purposes of this section, "prohibited political activities" means (i) any activity directed toward the success or failure of a political party, a candidate for partisan or nonpartisan office, a partisan political group, or a ballot measure; (ii) advertising or contributing or soliciting financial support for or against any candidate, political group, or ballot measure; or (iii) voter registration or transportation activities.

(e) Representation in fee-generating cases. For purposes of this section, "fee-generating" means a case that might reasonably be expected to result in a fee for legal services if undertaken by a private attorney. The charging of a fee pursuant to subsection (6) of this section does not establish the fee-generating nature of a case.

A fee-generating case may be accepted when: (i) The case has been rejected by the local lawyer referral services or by two private attorneys; (ii) neither the referral service nor two private attorneys will consider the case without payment of a consultation fee; (iii) after consultation with the appropriate representatives of the private bar, the program has determined that the type of case is one that private attorneys do not ordinarily accept, or do not accept without prepayment of a fee; or (iv) the director of the program or the director's designee has determined that referral of the case to the private bar is not possible because documented attempts to refer similar cases in the past have been futile, or because emergency circumstances compel immediate action before referral can be made, but the client is advised that, if appropriate and consistent with professional responsibility, referral will be attempted at a later time.

(f) Organizing any association, union, or federation, or representing a labor union. However, nothing in this subsection (5)(f) prohibits the provision of legal services to clients as otherwise permitted by this section.

(g) Representation of undocumented aliens.

(h) Picketing, demonstrations, strikes, or boycotts.

(i) Engaging in inappropriate solicitation. For purposes of this section, "inappropriate solicitation" means promoting the assertion of specific legal claims among persons who know of their rights to make a claim and who decline to do so. Nothing in this subsection precludes a legal services program or its employees from providing information regarding legal rights and responsibilities or providing information regarding the program's services and intake procedures through community legal education activities, responding to an individual's specific question about whether the individual should consult with an attorney or take legal action, or responding to an individual's specific request for information about the individual's legal rights or request for assistance in connection with a specific legal problem.

(j) Conducting training programs that: (i) Advocate particular public policies; (ii) encourage or facilitate political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations; or (iii) attempt to influence legislation or rule making. Nothing in this subsection (5)(j) precludes representation of clients as otherwise permitted by this section.

(6) The department may establish requirements for client participation in the provision of

civil legal services under this section, including but not limited to copayments and sliding fee scales.

(7)(a) Contracts entered into by the department of community, trade, and economic development with qualified legal services programs under this section must specify that the program's expenditures of moneys distributed under this section:

(i) Must be audited annually by an independent outside auditor. These audit results must be provided to the department of community, trade, and economic development; and

(ii) Are subject to audit by the state auditor.

(b)(i) Any entity auditing a legal services program under this section shall have access to all records of the legal services program to the full extent necessary to determine compliance with this section, with the exception of confidential information protected by the United States Constitution, the state Constitution, the attorney-client privilege, and applicable rules of attorney conduct.

(ii) The legal services program shall have a system allowing for production of case-specific information, including client eligibility and case type, to demonstrate compliance with this section, with the exception of confidential information protected by the United States Constitution, the state Constitution, the attorney-client privilege, and applicable rules of attorney conduct. Such information shall be available to any entity that audits the program.

(8) The department of community, trade, and economic development must recover or withhold amounts determined by an audit to have been used in violation of this section.

(9) The department of community, trade, and economic development may adopt rules to implement this section.

[1997 c 319 § 2; 1995 c 399 § 62; 1992 c 54 § 4.]

Notes:

Intent--1997 c 319: "It is the intent of the legislature to promote the provision of civil legal services to indigent persons, subject to available funds. To the extent that funds are appropriated for civil legal services for the indigent, the legislature intends that civil legal services be offered within an oversight framework that ensures accountability." [1997 c 319 § 1.]

Effective date--1992 c 54: See note following RCW 36.18.020.

RCW 43.08.270 Joint legislative civil legal services oversight committee.

Applicable Cases

The joint legislative civil legal services oversight committee is established.

(1) The committee's members are one member from each of the minority and majority caucuses of the house of representatives, who are appointed by the speaker of the house of representatives, and one member from each of the minority and majority caucuses of the senate, who are appointed by the president of the senate.

(2)(a) The committee shall oversee the provision of civil legal services funded through RCW 43.08.260 and shall act as a forum for discussion of issues related to state-funded civil legal services.

(b) By December 1, 1997, and by December 1st of each year thereafter, the committee

must report to the appropriate standing policy and fiscal committees of the legislature on the provision of legal services under RCW 43.08.260.

(3) The committee chairman is selected by the members and shall serve a one-year term. The chairman position rotates between the house and senate members and the political parties.

(4) The committee shall meet at least four times during each fiscal year. The committee shall accept public testimony at a minimum of two of these meetings.

[1997 c 319 § 3.]

Notes:

Intent--1997 c 319: See note following RCW 43.08.260.

RCW 43.08.280 State-wide custody contract for local governments and institutions of higher education.

Applicable Cases

(1) The state treasurer is authorized to negotiate a state-wide custody contract for custody services for local governments and institutions of higher education. The term of the contract shall be for a minimum of four years.

(2) The state treasurer shall, as soon as is practical after negotiations have been successfully completed, notify local governments and institutions of higher education that a state-wide custody contract has been negotiated.

(3) Following such notification, each local government or institution of higher education may, at its option, become a signatory to the state-wide contract. Each local government or institution of higher education may only become a signatory to the contract by having its authorized local government official or financial officer and the state-wide custodian execute the state-wide contract. The contract is between the state-wide custodian and the respective local government or institution of higher education. It is the responsibility of the local government official or financial officer to fully understand the terms and conditions of the state-wide custody contract prior to its execution, and to ensure those terms and conditions are observed by the state-wide custodian during the term of the contract.

(4) The state treasurer may adopt rules to implement this section, including, but not limited to, those rules deemed necessary to provide for an orderly transition in the event of a different state-wide custodian in a new state-wide custody contract.

(5) Any state-wide custodian who becomes a signatory to the state-wide custody contract may be exempted from the requirements of chapter 39.58 RCW for the purposes of this section, based on rules adopted by the public deposit protection commission.

(6) For the purposes of this section:

(a) "Financial institution" means a bank or trust company chartered and supervised under state or federal law;

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation created by such an entity, which legally possesses and exercises investment authority;

(c) "State-wide custody contract" means a contract negotiated between the state treasurer and a financial institution that establishes terms and fees for custody services which are optional to any local government for the term of the contract;

(d) "State-wide custodian" means the financial institution with whom the state treasurer has negotiated a state-wide custody contract;

(e) "Custody services" means services performed by a financial institution such as the settlement, safekeeping, valuation, and market-value reporting of negotiable instruments owned by the local government;

(f) "Local government official" means any officer or employee of a local government who has been designated by statute or local charter, ordinance, or resolution as the officer having the authority to invest the funds of the local government. However, the county treasurer is the only local government official for all political subdivisions for which the county treasurer has statutory or contractual authority to invest the funds thereof;

(g) "Financial officer" means the board-appointed treasurer of a college, university, community or technical college district, or the state board for community and technical colleges.

[1999 c 293 § 2.]

Notes:

Purpose--1999 c 293: "Local governments enter into separate, individual contracts with banks for custody services. The rate and terms which each local government obtains from a given bank sometimes varies widely depending upon the size of the local government's portfolio, and thus fails to provide all of the state's taxpayers with the most advantageous rates and terms for such custody services. The purpose of this act is to enable local governments and institutions of higher education, through a state-wide custody contract, to collectively obtain the most advantageous rate and terms from a single financial institution for custodial banking services. Under such a state-wide custody contract, smaller local governments may receive a higher level of service, while paying lower fees than they might have individually obtained." [1999 c 293 § 1.]

Effective date--1999 c 293: "This act takes effect September 1, 1999." [1999 c 293 § 4.]

Chapter 43.09 RCW
STATE AUDITORGENERALLY

43.09.010	Residence--Office--Bond--Oath.
43.09.020	Auditor of public accounts.
43.09.025	Deputy auditors--Assistant directors.
43.09.035	Assistants--Personnel.
43.09.045	Contracts with certified public accountants.
43.09.050	General duties of auditor.
43.09.055	Audit of entities with state contracts or grants--Costs.
43.09.065	Audit of entities with state contracts or grants--Report regarding criminal misuse of public moneys.
43.09.165	Subpoenas--Compulsory process--Witnesses--Oaths--Testimony--Penalty.
43.09.170	May administer oaths.
43.09.180	Seal--Copies of documents as evidence.
43.09.185	Loss of public funds--Illegal activity--Report to state auditor's office.

LOCAL GOVERNMENT ACCOUNTING

43.09.200	Local government accounting--Uniform system of accounting.
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- 43.09.205 Local government accounting--Costs of public works--Standard form.
- 43.09.210 Local government accounting--Separate accounts for each fund or activity.
- 43.09.220 Local government accounting--Separate accounts for public service industries.
- 43.09.230 Local government accounting--Annual reports--Comparative statistics.
- 43.09.240 Local government accounting--Public officers and employees--Duty to account and report--Removal from office--Deposit of collections.
- 43.09.245 Local government accounting--Examination of financial affairs.
- 43.09.260 Local government accounting--Examination of local governments--Reports--Action by attorney general.
- 43.09.265 Local government accounting--Review of tax levies of local governments.
- 43.09.270 Local government accounting--Expense of audit, what constitutes.
- 43.09.280 Local government accounting--Expense of examination.
- 43.09.2801 Local government accounting--Expense of audit--Additional charge.
- 43.09.281 Appeal procedure to be adopted--Inclusion of number and disposition of appeals in annual report.
- 43.09.282 Local government accounting--Municipal revolving account--Records of auditing costs.
- 43.09.285 Joint operations by municipal corporations or political subdivisions--Deposit and control of funds.
- 43.09.2851 Repayment of amounts charged to another fund within same political subdivision to be credited to original fund or appropriation--Expenditure.
- 43.09.2853 Municipal corporations authorized to establish line of credit for payment of warrants--Interest.
- 43.09.2855 Local governments--Use of credit cards.

AGENCY AUDITS

- 43.09.290 Post-audit of state agencies--Definitions.
- 43.09.310 Audit of state-wide combined financial statements--Post-audits of state agencies--Periodic audits--Reports--Filing.
- 43.09.330 Audit disclosing malfeasance or nonfeasance--Action by attorney general.
- 43.09.340 Post-audit of books of state auditor.
- 43.09.410 Auditing services revolving account--Created--Purpose.
- 43.09.412 Auditing services revolving account--Transfers and payments into account--Allotments to state auditor.
- 43.09.414 Auditing services revolving account--Disbursements.
- 43.09.416 Auditing services revolving account--Allocation of costs to funds, accounts, and agencies--Billing rate.
- 43.09.418 Auditing services revolving account--Direct payments from state agencies.
- 43.09.420 Audit of revolving, local, and other funds and accounts.

Notes:

Attorney general, report of irregularities to: RCW 43.88.160.

Audits

agricultural marketing agreements and orders: RCW 15.65.490.

apple advertising commission: RCW 15.24.070.

beef commission: RCW 16.67.090.

budget and accounting act, post-audit duties: RCW 43.88.160.

commodity commissions: RCW 15.66.140.

community economic revitalization board: RCW 43.160.090.

gambling commission: RCW 9.46.060.

hardwoods commission: RCW 15.74.040.

honey bee commission: RCW 15.62.040.

housing finance commission: RCW 43.180.050.

irrigation district records: RCW 87.68.100.
liquor control board: RCW 66.08.024.
lottery: RCW 67.70.290.
migratory waterfowl art committee: RCW 77.12.690.
port districts: RCW 53.36.150.
public works projects: RCW 43.155.080.
social and health services, department of: RCW 74.04.270.
state association of elected county officials: RCW 36.47.060.
state fruit commission: RCW 15.28.110.
Washington public port association: RCW 53.06.060.
wine commission: RCW 15.88.070.

Cities and towns

budget forms, preparation of: RCW 35.33.111.
involuntary dissolution of, petition by: RCW 35.07.230.
self-insurance, state audit: RCW 48.62.031.
street expenditures, accounting and reporting system: RCW 35.76.020.
supervision of budgets: RCW 35.33.111.
City streets as part of state highway system certified to: RCW 47.24.010.
Commodity commission's annual report to: RCW 15.66.140.
Constitutional duties: State Constitution Art. 3 § 20.
Cost bills in felony cases, audit of, duties: RCW 10.46.230.
County auditors, ex officio deputy state auditor: RCW 36.22.140.
County budgets, rules, classifications, and forms: RCW 36.40.220.
Disbursement of public funds, duties transferred to treasurer: RCW 43.88.210.
Educational service district superintendents, employees--Traveling expenses and subsistence--Auditor's duties:
RCW 28A.310.320.

Eminent domain by state

immediate possession proceedings: RCW 8.04.090.
payment of damages and costs to court: RCW 8.04.160.
Highway construction bonds and warrants, auditor to sign: Chapter 47.10 RCW.
Highway funds generally, auditor's powers and duties: Chapter 47.08 RCW.
Impeachment, liability to: State Constitution Art. 5 § 2.
Industrial insurance, funds, disbursement: RCW 51.44.110.
Justice and inferior courts act of 1961, financial records prescribed by: RCW 3.30.070.

Legislature

information furnished to: RCW 43.88.160.
reports to of post-audit and financial affairs: RCW 43.88.160.
Oath of office: RCW 43.01.020.
Port districts, toll facilities, bonds and notes: RCW 53.34.140.
Post-audit duties: RCW 43.88.160.
Public assistance accounting duties: RCW 74.04.270.
Public blanks used in counties, prescribed by: RCW 36.72.080.
Puget Sound ferry and toll bridge system, auditor's powers and duties relating to: Chapter 47.60 RCW.
Purchase of bridges or ferries by department of transportation, auditor's powers and duties relating to: RCW
47.56.050.
Records committee, to appoint a member of: RCW 40.14.050.
Residence requirement: State Constitution Art. 3 § 24.
Salary, amount of: State Constitution Art. 3 § 20, Art. 28 § 1; RCW 43.03.010.
Steam electric generating plants bond issues, duties as to: RCW 43.21A.630.

Studies and adoption of classifications for school district budgets--Publication: RCW 28A.300.060.

Succession: State Constitution Art. 3 § 10.

Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Toll bridges

bonds, auditor to sign: RCW 47.56.140.

improvement of existing bridge and construction of new bridge as single project, auditor's powers and duties relating to: Chapter 47.58 RCW.

Tort claims against state, filing with: RCW 4.92.100.

Vehicle safety equipment commission, inspection of accounts: RCW 46.38.080.

Volunteer fire fighters, forms for administration of fund provided to: RCW 41.24.070.

Warrants

administrator for the courts: RCW 2.56.090.

disbursement of public moneys, duties transferred: RCW 43.88.210.

GENERALLY

RCW 43.09.010 Residence--Office--Bond--Oath.

Applicable Cases

The state auditor shall reside and keep his or her office at the seat of government. Before entering upon his or her duties he or she shall execute and deliver to the secretary of state a bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful performance of all duties required by law. He or she shall take an oath of office before any person authorized to administer oaths, and file a copy thereof, together with the required bond, in the office of the secretary of state.

[1995 c 301 § 1; 1965 c 8 § 43.09.010. Prior: 1890 p 634 § 1; RRS § 10996; prior: Code 1881 § 2566; 1871 p 96 § 1; 1854 p 409 § 2.]

RCW 43.09.020 Auditor of public accounts.

Applicable Cases

The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law.

[1989 c 140 § 1; 1965 c 8 § 43.09.020. Prior: 1890 p 635 § 2; RRS § 10997; prior: Code 1881 § 2567; 1871 p 97 § 4; 1854 p 409 § 3.]

Notes:

Budget and accounting system, powers and duties: RCW 43.88.160.

Fiscal records open to public: RCW 43.88.200.

RCW 43.09.025 Deputy auditors--Assistant directors.

Applicable Cases

The state auditor may appoint deputies and assistant directors as necessary to carry out the duties of the office of the state auditor. These individuals serve at the pleasure of the state

auditor and are exempt from the provisions of chapter 41.06 RCW as stated in *RCW 41.06.070(1)(y).

[1995 c 301 § 2.]

Notes:

***Reviser's note:** RCW 41.06.070 was amended by 1994 c 163 § 1, changing subsection (1)(y) to subsection (1)(x).

RCW 43.09.035 Assistants--Personnel.

Applicable Cases

The state auditor may appoint and employ other assistants and personnel necessary to carry out the work of the office of the state auditor.

[1995 c 301 § 3.]

RCW 43.09.045 Contracts with certified public accountants.

Applicable Cases

The state auditor may contract with public accountants certified in Washington to carry out those portions of the duties of auditing state agencies and local governments as the state auditor may determine.

[1995 c 301 § 4.]

RCW 43.09.050 General duties of auditor.

Applicable Cases

The auditor shall:

(1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(2) In his or her discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(3) Investigate improper governmental activity under chapter 42.40 RCW;

(4) Inform the attorney general in writing of the necessity for the attorney general to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his or her office;

(6) Report to the director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;

(7) Authenticate with his or her official seal papers issued from his or her office;

(8) Make his or her official report annually on or before the 31st of December.

[1992 c 118 § 6; 1979 c 151 § 91. Prior: 1977 ex.s. c 144 § 7; 1977 c 75 § 40; 1971 ex.s. c 170 § 1; 1965 c 8 § 43.09.050; prior: 1890 p 636 § 5; RRS § 11001; prior: Code 1881 § 2570; 1854 p 410 § 5.]

Notes:

Severability--1971 ex.s. c 170: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 170 § 5.]

Advances: Chapter 42.24 RCW.

Information to legislature: RCW 43.88.160.

Investigations of improper governmental actions--Protection of employee disclosures: Chapter 42.40 RCW.

Post-audit duties: RCW 43.88.160.

Powers and duties, budget and accounting system: RCW 43.88.160.

Report of irregularities to attorney general: RCW 43.88.160.

Report to legislature: RCW 43.88.160.

RCW 43.09.055 Audit of entities with state contracts or grants--Costs.

Applicable Cases

The state auditor may, where there is reasonable cause to believe that a misuse of state moneys has occurred, conduct an audit of financial and legal compliance of any entity that receives public moneys through contract or grant in return for services. This authority includes examinations of not-for-profit corporations who provide personal services to a state agency or to clients of a state agency. Such a financial audit shall be performed in a manner consistent with this chapter, and may be performed according to an agreed upon procedures engagement as in the existing 1998 standards of the American institute of certified public accountants professional standards section 600.

The state auditor may charge the contracting agency, whether state or local, for the costs of an audit of a not-for-profit corporation that receives public moneys through contract or grant in return for services. Any contracting agency that is responsible to the state auditor for such costs shall use due diligence to recover costs from the audited entity.

[1998 c 232 § 3.]

Notes:

Findings--Intent--1998 c 232: "The legislature finds that the state auditor lacks the needed authority to investigate the finances of state nongovernmental contractors. The legislature further finds that current contract oversight and management procedures cannot ensure that services under contract are delivered effectively and efficiently. Therefore, the legislature intends to enhance the authority of the state auditor to audit entities that provide services to the state or its clients under contract with state agencies." [1998 c 232 § 1.]

RCW 43.09.065 Audit of entities with state contracts or grants--Report regarding criminal misuse of public moneys.

Applicable Cases

If after a financial audit of an entity that receives public moneys under contract or grant in return for services, there is reasonable cause to believe that a criminal misuse of public moneys has occurred, the office of the state auditor, within thirty days from receipt of the report, shall deliver a copy of the report to the appropriate local prosecuting authority.

[1998 c 232 § 4.]

Notes:

Findings--Intent--1998 c 232: See note following RCW 43.09.055.

RCW 43.09.165 Subpoenas--Compulsory process--Witnesses--Oaths--Testimony--Penalty.

Applicable Cases

The state auditor, his or her employees and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses to do so, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him or her to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

[1995 c 301 § 5.]

RCW 43.09.170 May administer oaths.

Applicable Cases

The state auditor may administer all oaths required by law in matters pertaining to the duties of his or her office.

[1995 c 301 § 6; 1965 c 8 § 43.09.170. Prior: 1890 p 641 § 23; RRS § 11017; prior: Code 1881 § 2586.]

RCW 43.09.180 Seal--Copies of documents as evidence.

Applicable Cases

The state auditor shall keep a seal of office for the identification of all papers, writings, and documents required by law to be certified by him or her, and copies authenticated and certified of all papers and documents lawfully deposited in his or her office shall be received in evidence with the same effect as the originals.

[1995 c 301 § 7; 1965 c 8 § 43.09.180. Prior: 1890 p 641 § 24; RRS § 11018; prior: Code 1881 § 2587.]

RCW 43.09.185 Loss of public funds--Illegal activity--Report to state auditor's office.

Applicable Cases

State agencies and local governments shall immediately report to the state auditor's office known or suspected loss of public funds or assets or other illegal activity.

[1995 c 301 § 8.]

LOCAL GOVERNMENT ACCOUNTING

RCW 43.09.200 Local government accounting--Uniform system of accounting.

Applicable Cases

The state auditor shall formulate, prescribe, and install a system of accounting and reporting for all local governments, which shall be uniform for every public institution, and every public office, and every public account of the same class.

The system shall exhibit true accounts and detailed statements of funds collected, received, and expended for account of the public for any purpose whatever, and by all public officers, employees, or other persons.

The accounts shall show the receipt, use, and disposition of all public property, and the income, if any, derived therefrom; all sources of public income, and the amounts due and received from each source; all receipts, vouchers, and other documents kept, or required to be kept, necessary to isolate and prove the validity of every transaction; all statements and reports made or required to be made, for the internal administration of the office to which they pertain; and all reports published or required to be published, for the information of the people regarding any and all details of the financial administration of public affairs.

[1995 c 301 § 9; 1965 c 8 § 43.09.200. Prior: 1909 c 76 § 2; RRS § 9952.]

Notes:

Electronic transfer of public funds to be in compliance with: RCW 39.58.750.

School districts budgets to be in compliance with: RCW 28A.505.120.

RCW 43.09.205 Local government accounting--Costs of public works--Standard form.

Applicable Cases

The state auditor shall prescribe a standard form with which the accounts and records of costs of all local governments shall be maintained as required under RCW 39.04.070.

[1995 c 301 § 10; 1987 c 120 § 4.]

RCW 43.09.210 Local government accounting--Separate accounts for each fund or activity.

Applicable Cases

Separate accounts shall be kept for every appropriation or fund of a taxing or legislative body showing date and manner of each payment made therefrom, the name, address, and vocation of each person, organization, corporation, or association to whom paid, and for what purpose paid.

Separate accounts shall be kept for each department, public improvement, undertaking, institution, and public service industry under the jurisdiction of every taxing body.

All service rendered by, or property transferred from, one department, public improvement, undertaking, institution, or public service industry to another, shall be paid for at its true and full value by the department, public improvement, undertaking, institution, or public

service industry receiving the same, and no department, public improvement, undertaking, institution, or public service industry shall benefit in any financial manner whatever by an appropriation or fund made for the support of another.

All unexpended balances of appropriations shall be transferred to the fund from which appropriated, whenever the account with an appropriation is closed.

[1965 c 8 § 43.09.210. Prior: 1909 c 76 § 3; RRS § 9953.]

RCW 43.09.220 Local government accounting--Separate accounts for public service industries.

Applicable Cases

Separate accounts shall be kept for every public service industry of every local government, which shall show the true and entire cost of the ownership and operation thereof, the amount collected annually by general or special taxation for service rendered to the public, and the amount and character of the service rendered therefor, and the amount collected annually from private users for service rendered to them, and the amount and character of the service rendered therefor.

[1995 c 301 § 11; 1965 c 8 § 43.09.220. Prior: 1909 c 76 § 4; RRS § 9954.]

RCW 43.09.230 Local government accounting--Annual reports--Comparative statistics.

Applicable Cases

The state auditor shall require from every local government financial reports covering the full period of each fiscal year, in accordance with the forms and methods prescribed by the state auditor, which shall be uniform for all accounts of the same class.

Such reports shall be prepared, certified, and filed with the state auditor within one hundred fifty days after the close of each fiscal year.

The reports shall contain accurate statements, in summarized form, of all collections made, or receipts received, by the officers from all sources; all accounts due the public treasury, but not collected; and all expenditures for every purpose, and by what authority authorized; and also: (1) A statement of all costs of ownership and operation, and of all income, of each and every public service industry owned and operated by a local government; (2) a statement of the entire public debt of every local government, to which power has been delegated by the state to create a public debt, showing the purpose for which each item of the debt was created, and the provisions made for the payment thereof; (3) a classified statement of all receipts and expenditures by any public institution; and (4) a statement of all expenditures for labor relations consultants, with the identification of each consultant, compensation, and the terms and conditions of each agreement or arrangement; together with such other information as may be required by the state auditor.

The reports shall be certified as to their correctness by the state auditor, the state auditor's deputies, or other person legally authorized to make such certification.

Their substance shall be published in an annual volume of comparative statistics at the expense of the state as a public document.

[1995 c 301 § 12; 1993 c 18 § 2; 1989 c 168 § 1; 1977 c 75 § 41; 1965 c 8 § 43.09.230. Prior: 1909 c 76 § 5; RRS § 9955.]

Notes:

Finding--Purpose--1993 c 18: "The legislature finds and declares that the use of outside consultants is an increasing element in public sector labor relations. The public has a right to be kept informed about the role of outside consultants in public sector labor relations. The purpose of this act is to help ensure that public information is available." [1993 c 18 § 1.]

RCW 43.09.240 Local government accounting--Public officers and employees--Duty to account and report--Removal from office--Deposit of collections.

Applicable Cases

Every public officer and employee of a local government shall keep all accounts of his or her office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or willfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him or her with the treasurer of the local government once every twenty-four consecutive hours. The treasurer may in his or her discretion grant an exception where such daily transfers would not be administratively practical or feasible.

In case a public officer or employee collects or receives funds for the account of a local government of which he or she is an officer or employee, the treasurer shall, by Friday of each week, pay to the proper officer of the local government for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

[1995 c 301 § 13; 1991 c 245 § 13; 1965 c 8 § 43.09.240. Prior: 1963 c 209 § 2; 1911 c 30 § 1; 1909 c 76 § 6; RRS § 9956; prior: 1890 p 638 § 11; Code 1881 § 2577; 1854 p 411 § 7.]

RCW 43.09.245 Local government accounting--Examination of financial affairs.

Applicable Cases

The state auditor has the power to examine all the financial affairs of every local government and its officers and employees.

[1995 c 301 § 14.]

RCW 43.09.260 Local government accounting--Examination of local governments--Reports--Action by attorney general.

Applicable Cases

The examination of the financial affairs of all local governments shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all local governments shall be made at least once in every three years, and

an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years. The term local governments for purposes of this chapter includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of local governments which shall include: A designation of the various classifications of local governments; a designation of the frequency for auditing each type of local government; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the local government; whether the Constitution and laws of the state, the ordinances and orders of the local government, and the requirements of the state auditor have been properly complied with; and into the methods and accuracy of the accounts and reports.

A report of such examination shall be made and filed in the office of state auditor, and one copy shall be transmitted to the local government. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for any local government or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

[1995 c 301 § 15; 1991 sp.s. c 30 § 26; 1979 c 71 § 1; 1965 c 8 § 43.09.260. Prior: 1909 c 76 § 8; RRS § 9958.]

Notes:

Effective date, implementation, application--Severability--1991 sp.s. c 30: See RCW 48.62.900 and 48.62.901.

School district budgeting violations not to affect duties of attorney general under RCW 43.09.260: RCW 28A.505.150.

RCW 43.09.265 Local government accounting--Review of tax levies of local governments.

Applicable Cases

The state auditor shall review the tax levies of all local governments in the regular examinations under RCW 43.09.260.

[1995 c 301 § 16; 1979 ex.s. c 218 § 7.]

RCW 43.09.270 Local government accounting--Expense of audit, what constitutes.

Applicable Cases

The expense of auditing local governments and those expenses directly related to

prescribing accounting systems, training, maintenance of working capital including reserves for late and uncollectible accounts and necessary adjustments to billings, and field audit supervision, shall be considered expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

[1995 c 301 § 17; 1993 c 315 § 1; 1991 sp.s. c 16 § 920; 1982 c 206 § 1; 1965 c 8 § 43.09.270. Prior: 1963 c 209 § 4; 1911 c 30 § 1; 1909 c 76 § 10; RRS § 9960.]

Notes:

Effective date--1993 c 315: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 315 § 2.]

Severability--Effective date--1991 sp.s. c 16: See notes following RCW 9.46.100.

RCW 43.09.280 Local government accounting--Expense of examination.

Applicable Cases

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the state auditor. If the expense as certified is not paid by any local government within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the local government is situated, who shall promptly issue his or her warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor or chief financial officer out of the money due the local government at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

[1995 c 301 § 18; 1979 c 71 § 2; 1965 c 8 § 43.09.280. Prior: 1963 c 209 § 5; 1911 c 30 § 1; 1909 c 76 § 11; RRS § 9961.]

RCW 43.09.2801 Local government accounting--Expense of audit--Additional charge.

Applicable Cases

(1) From July 1, 1992, to June 30, 1995, the state auditor shall charge an entity subject to an audit an additional ten cents per hour billed under RCW 43.09.270 and 43.09.280, to be deposited in the local government administrative hearings account.

(2) After June 30, 1995, the state auditor shall base the amount to be collected and deposited into the local government administrative hearings account on the funds remaining in the account on June 30, 1995, and the anticipated caseload for the future.

(3) The state auditor may exempt a local government that certifies that it is in compliance with RCW 42.41.050 from a charge added under subsection (1) or (2) of this section.

[1995 c 301 § 19; 1992 c 44 § 11.]

Notes:

Effective dates--Severability--1992 c 44: See RCW 42.41.901 and 42.41.902.

Local government administrative hearings account: RCW 42.41.060.

RCW 43.09.281 Appeal procedure to be adopted--Inclusion of number and disposition of appeals in annual report.

Applicable Cases

The state auditor shall adopt appropriate rules pursuant to chapter 34.05 RCW, the administrative procedure act, to provide a procedure whereby a *taxing district may appeal charges levied under RCW 43.09.280. Such procedure shall provide for an administrative review process and an external review process which shall be advisory to the state auditor's office. The number of appeals and their disposition shall be included in the auditor's annual report.

[1982 c 206 § 3.]

Notes:

***Reviser's note:** "Taxing district" was redesignated "local government" by 1995 c 301 § 18.

RCW 43.09.282 Local government accounting--Municipal revolving account--Records of auditing costs.

Applicable Cases

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on local governments by the state auditor, there is hereby created an account entitled the municipal revolving account. The state treasurer shall be custodian of the account. All moneys received by the state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving account. Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of local governments.

[1995 c 301 § 20; 1982 c 206 § 2; 1965 c 8 § 43.09.282. Prior: 1963 c 209 § 6.]

Notes:

Effective date--1982 c 206 § 2: "Section 2 of this act shall take effect on July 1, 1983." [1982 c 206 § 4.]

RCW 43.09.285 Joint operations by municipal corporations or political subdivisions--Deposit and control of funds.

Applicable Cases

Whenever by law, two or more municipal corporations or political subdivisions of the state are permitted by law to engage in a joint operation, the funds of such joint operation shall be deposited in the public treasury of the municipal corporation or political subdivision embracing the largest population or the public treasury of any other as so agreed upon by the parties; and such deposit shall be subject to the same audit and fiscal controls as the public treasury where the funds are so deposited: PROVIDED, That whenever the laws applicable to any particular joint operation specifically state a contrary rule for deposits, the specific rule shall apply in lieu of the

provisions of this section: PROVIDED, FURTHER, That nothing contained herein shall be construed as limiting the power or authority of the disbursing officer of such joint operation from making disbursements in accordance with the provisions of any contract or agreement entered into between the parties to the joint operation.

[1967 c 41 § 1.]

RCW 43.09.2851 Repayment of amounts charged to another fund within same political subdivision to be credited to original fund or appropriation--Expenditure.

Applicable Cases

Except as otherwise provided by law, amounts charged by a county, city, or other municipal or quasi municipal corporation for providing services or furnishing materials to or for another fund within the same county, city, or other municipal or quasi municipal corporation pursuant to RCW 43.09.210 or other law shall be repaid and credited to the fund or appropriation against which the expenditure originally was charged. Amounts representing a return of expenditures from an appropriation shall be considered as returned loans of services or goods, supplies, or other materials furnished and may be expended as part of the original appropriation to which they belong, without further or additional appropriation.

Except as otherwise provided by law, this section shall not apply to the furnishing of materials or services by one fund to another when other funds have been provided specifically for that purpose pursuant to law.

[1981 c 39 § 1. Formerly RCW 39.58.160.]

RCW 43.09.2853 Municipal corporations authorized to establish line of credit for payment of warrants--Interest.

Applicable Cases

Any municipal corporation is authorized to establish a line of credit with any *qualified public depository to be drawn upon for cashing its warrants, to delegate to a fiscal officer authority to determine the amount of credit extended, and to pay interest and other finance or service charges. The interest rate may be a fixed rate set periodically or a fluctuating rate determined by agreement of the parties. If any warrant of a municipal corporation is presented and not paid for lack of funds, the interest rate set on unpaid warrants shall apply. Nothing in this section affects the priority for payment of warrants established by law.

[1981 c 156 § 37. Formerly RCW 39.58.170.]

Notes:

***Reviser's note:** The term "qualified public depository" was redefined as "public depository" by 1996 c 256 § 1.

RCW 43.09.2855 Local governments--Use of credit cards.

Applicable Cases

(1) Local governments, including counties, cities, towns, special purpose districts,

municipal and quasi-municipal corporations, and political subdivisions, are authorized to use credit cards for official government purchases and acquisitions.

(2) A local government may contract for issuance of the credit cards.

(3) The legislative body shall adopt a system for:

(a) The distribution of the credit cards;

(b) The authorization and control of the use of credit card funds;

(c) The credit limits available on the credit cards;

(d) Payment of the bills; and

(e) Any other rule necessary to implement or administer the system under this section.

(4) As used in this section, "credit card" means a card or device issued under an arrangement pursuant to which the issuer gives to a card holder the privilege of obtaining credit from the issuer.

(5) Any credit card system adopted under this section is subject to examination by the state auditor's office pursuant to chapter 43.09 RCW.

(6) Cash advances on credit cards are prohibited.

[1995 c 30 § 2. Formerly RCW 39.58.180.]

Notes:

Findings--1995 c 30: "The legislature finds that (1) the use of credit cards is a customary and economical business practice to improve cash management, reduce costs, and increase efficiency; and (2) local governments should consider and use credit cards when appropriate." [1995 c 30 § 1.]

AGENCY AUDITS

RCW 43.09.290 Post-audit of state agencies--Definitions.

Applicable Cases

For the purposes of RCW 43.09.290 through 43.09.340 and 43.09.410 through 43.09.418, post-audit means an audit of the books, records, funds, accounts, and financial transactions of a state agency for a complete fiscal period; pre-audit means all other audits and examinations; state agency means elective officers and offices, and every other office, officer, department, board, council, committee, commission, or authority of the state government now existing or hereafter created, supported, wholly or in part, by appropriations from the state treasury or funds under its control, or by the levy, assessment, collection, or receipt of fines, penalties, fees, licenses, sales of commodities, service charges, rentals, grants-in-aid, or other income provided by law, and all state educational, penal, reformatory, charitable, eleemosynary, or other institutions, supported, wholly or in part, by appropriations from the state treasury or funds under its control.

[1995 c 301 § 21; 1981 c 336 § 6; 1965 c 8 § 43.09.290. Prior: 1941 c 196 § 1; Rem. Supp. 1941 § 11018-1.]

Notes:

Effective date--1981 c 336: See note following RCW 43.09.410.

Petty cash: RCW 42.26.080.

Post-audit duties, budget and accounting system: RCW 43.88.160.

RCW 43.09.310 Audit of state-wide combined financial statements--Post-audits of state agencies--Periodic audits--Reports--Filing.

Applicable Cases

The state auditor shall annually audit the state-wide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, one to the state agency audited, one to the joint legislative audit and review committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general.

[1996 c 288 § 35; 1995 c 301 § 22; 1981 c 217 § 1; 1979 c 151 § 92; 1975-'76 2nd ex.s. c 17 § 1. Prior: 1975 1st ex.s. c 293 § 1; 1975 1st ex.s. c 193 § 1; 1971 ex.s. c 170 § 2; 1965 c 8 § 43.09.310; prior: 1947 c 114 § 1; 1941 c 196 § 3; Rem. Supp. 1947 § 11018-3.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

Severability--1971 ex.s. c 170: See note following RCW 43.09.050.

Reports of post-audits: RCW 43.88.160.

RCW 43.09.330 Audit disclosing malfeasance or nonfeasance--Action by attorney general.

Applicable Cases

If any audit of a state agency discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute and prosecute in the proper county, appropriate legal action to carry into effect the findings of such post-audit. It shall be unlawful for any state agency or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action without the written approval and consent of the attorney general and the state auditor.

[1995 c 301 § 23; 1965 c 8 § 43.09.330. Prior: 1941 c 196 § 5; Rem. Supp. 1941 § 11018-5.]

RCW 43.09.340 Post-audit of books of state auditor.

Applicable Cases

The governor shall, at least every two years, provide for a post-audit of the books, accounts, and records of the state auditor, and the funds under his or her control, to be made either by independent qualified public accountants or the director of financial management, as he or she may determine. The expense of making such audit shall be paid from appropriations made

therefor from the general fund.

[1995 c 301 § 24; 1979 c 151 § 93; 1965 c 8 § 43.09.340. Prior: 1947 c 114 § 2; 1941 c 196 § 6; Rem. Supp. 1947 § 11018-6.]

RCW 43.09.410 Auditing services revolving account--Created--Purpose.

Applicable Cases

An auditing services revolving account is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the audits provided to state agencies by the state auditor and audits of the state employee whistleblower program under RCW 42.40.110.

[1999 c 361 § 9; 1995 c 301 § 25; 1981 c 336 § 1.]

Notes:

Effective date--1981 c 336: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1981." [1981 c 336 § 8.]

RCW 43.09.412 Auditing services revolving account--Transfers and payments into account--Allotments to state auditor.

Applicable Cases

The amounts to be disbursed from the auditing services revolving account shall be paid from funds appropriated to any and all state agencies for auditing services or administrative expenses. State agencies operating in whole or in part from nonappropriated funds shall pay into the auditing services revolving account such funds as will fully reimburse funds appropriated to the state auditor for auditing services provided.

The director of financial management shall allot all such funds to the state auditor for the operation of his or her office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other state agencies headed by elected officers under chapter 43.88 RCW.

[1995 c 301 § 26; 1987 c 165 § 1; 1981 c 336 § 2.]

Notes:

Effective date--1981 c 336: See note following RCW 43.09.410.

RCW 43.09.414 Auditing services revolving account--Disbursements.

Applicable Cases

Disbursements from the auditing services revolving account shall be made pursuant to vouchers executed by the state auditor or his or her designee in accordance with RCW 43.09.412.

[1995 c 301 § 27; 1981 c 336 § 3.]

Notes:

Effective date--1981 c 336: See note following RCW 43.09.410.

RCW 43.09.416 Auditing services revolving account--Allocation of costs to funds, accounts,

and agencies--Billing rate.

Applicable Cases

The state auditor shall keep such records as are necessary to facilitate proper allocation of costs to funds and accounts and state agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and accounts and state agencies served. The billing rate shall be established based on costs incurred in the prior biennium and anticipated costs in the new biennium. Those expenses related to training, maintenance of working capital including reserves for late and uncollectible accounts, and necessary adjustments to billings, shall be considered as expenses of auditing public accounts. Working capital shall not exceed five percent of the auditing services revolving account appropriation.

[1995 c 301 § 28; 1987 c 165 § 2; 1981 c 336 § 4.]

Notes:

Effective date--1981 c 336: See note following RCW 43.09.410.

RCW 43.09.418 Auditing services revolving account--Direct payments from state agencies.

Applicable Cases

In cases where there are unanticipated demands for auditing services or where there are insufficient funds on hand or available for payment through the auditing services revolving account or in other cases of necessity, the state auditor may request payment for auditing services directly from state agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the state agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

[1995 c 301 § 29; 1981 c 336 § 5.]

Notes:

Effective date--1981 c 336: See note following RCW 43.09.410.

RCW 43.09.420 Audit of revolving, local, and other funds and accounts.

Applicable Cases

As part of the routine audits of state agencies, the state auditor shall audit all revolving funds, local funds, and other state funds and state accounts that are not managed by or in the care of the state treasurer and that are under the control of state agencies, including but not limited to state departments, boards, and commissions. In conducting the audits of these funds and accounts, the auditor shall examine revenues and expenditures or assets and liabilities, accounting methods and procedures, and recordkeeping practices. In addition to including the results of these examinations as part of the routine audits of the agencies, the auditor shall report to the legislature on the status of all such funds and accounts that have been examined during the preceding biennium and any recommendations for their improved financial management. Such a report shall be filed with the legislature within five months of the end of each biennium regarding

the funds and accounts audited during the biennium. The first such report shall be filed by December 1, 1993, regarding any such funds and accounts audited during the 1991-93 biennium.

[1993 c 216 § 1.]

Chapter 43.10 RCW ATTORNEY GENERAL

RCW

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Local government accounting, duties concerning: RCW 43.09.260.

Militia and military affairs

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Motor freight carriers, violations, attorney general to assign assistant to enforce compliance: RCW 81.80.330.

Motor vehicle dealers' licenses, attorney general to approve applicant's surety bond accompanying application for: RCW 46.70.070.

Natural resources department, counsel for: RCW 78.52.035.

Oath of office: RCW 43.01.020, 43.10.010.

Office hours regulation does not apply to: RCW 42.04.060.

Official bond: RCW 43.10.010, 43.10.020.

Poisons, enforcement of law relating to: RCW 69.40.025.

Puget Sound ferry and toll bridge system, attorney general's powers and duties relating to: Chapter 47.60 RCW.

Railroad employees' sanitation and shelter requirements, enforcement by: RCW 81.04.405.

Real estate brokers and salespersons' licensing, to act as legal advisor: RCW 18.85.345.

Records, keeping of: State Constitution Art. 3 § 24; RCW 43.10.030.

Records committee, to appoint a member of: RCW 40.14.050.

Removal from office, grounds: State Constitution Art. 4 § 9.

Salary, amount of: State Constitution Art. 28 § 1; RCW 43.03.010.

Schools and school districts, supervision of prosecuting attorney: RCW 36.27.020.

Securities act violations referred to: RCW 21.20.410.

Social and health services department, representation, hospital regulation: RCW 70.41.160.

State board for volunteer fire fighters and reserve officers, to advise: RCW 41.24.280.

State board of health, representation, hospital regulation: RCW 70.41.160.

State officers, defends actions against: RCW 4.92.070, 43.10.030.

Steamboat company penalties, recovery action by attorney general: RCW 81.84.050.

Subversive activities act, duties as to: Chapter 9.81 RCW.

Succession: State Constitution Art. 3 § 10.

Support of dependent children

agreements between attorney general and prosecuting attorneys to initiate petition for support under uniform act: RCW 74.20.210.

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74.20.220.

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Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Term papers, theses, dissertations, sale of prohibited, attorney general participation: RCW 28B.10.584.

Tort claims against state, authority to settle, compromise and stipulate for judgment: RCW 4.92.150.

Transfer of highway lands to United States, municipal subdivision or public utility, attorney general to adjudge if in public interest and certify: RCW 47.12.080.

Unemployment compensation, representation of department: RCW 50.12.150.

Unfair business practices act

assurance of discontinuance of practices, acceptance by: RCW 19.86.100.

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Utilities and transportation commission

compliance with law by persons or corporations regulated, duty to enforce: RCW 80.01.100, 80.04.510.

duty to represent: RCW 80.01.100, 80.04.510.

Vehicle wreckers' licensing, surety bonds accompanying application to be approved by: RCW 46.80.070.

Vital statistics, duty to enforce laws of: RCW 70.58.050.

Washington habitual traffic offenders act, attorney general's duties: Chapter 46.65 RCW.

RCW 43.10.010 Qualifications--Oath--Bond.

Applicable Cases

No person shall be eligible to be attorney general unless he is a qualified practitioner of the supreme court of this state.

Before entering upon the duties of his office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law; take, subscribe, and file with the secretary of state an oath to comply with the provisions of RCW 43.10.115; and execute and file with the secretary of state, a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law.

[1973 c 43 § 1; 1965 c 8 § 43.10.010. Prior: 1929 c 92 § 1, part; RRS § 11030, part; prior: 1921 c 119 § 1; 1888 p 7 § 4.]

Notes:

Severability--1973 c 43: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 43 § 6.]

RCW 43.10.020 Additional bond--Penalty for failure to furnish.

Applicable Cases

If the governor deems any bond filed by the attorney general insufficient, he may require an additional bond for any amount not exceeding five thousand dollars.

If any attorney general fails to give such additional bond as required by the governor within twenty days after notice in writing of such requirement, his office may be declared vacant by the governor and filled as provided by law.

[1965 c 8 § 43.10.020. Prior: (i) 1929 c 92 § 1, part; RRS § 11030, part. (ii) 1929 c 92 § 2; RRS § 11031; prior: 1921 c 119 § 1; 1888 p 7 §§ 4, 5.]

RCW 43.10.030 General powers and duties.

Applicable Cases

The attorney general shall:

- (1) Appear for and represent the state before the supreme court or the court of appeals in all cases in which the state is interested;
- (2) Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;
- (3) Defend all actions and proceedings against any state officer or employee acting in his official capacity, in any of the courts of this state or the United States;
- (4) Consult with and advise the several prosecuting attorneys in matters relating to the duties of their office, and when the interests of the state require, he shall attend the trial of any person accused of a crime, and assist in the prosecution;
- (5) Consult with and advise the governor, members of the legislature, and other state officers, and when requested, give written opinions upon all constitutional or legal questions relating to the duties of such officers;
- (6) Prepare proper drafts of contracts and other instruments relating to subjects in which the state is interested;
- (7) Give written opinions, when requested by either branch of the legislature, or any committee thereof, upon constitutional or legal questions;
- (8) Enforce the proper application of funds appropriated for the public institutions of the state, and prosecute corporations for failure or refusal to make the reports required by law;
- (9) Keep in proper books a record of all cases prosecuted or defended by him, on behalf of the state or its officers, and of all proceedings had in relation thereto, and deliver the same to his successor in office;
- (10) Keep books in which he shall record all the official opinions given by him during his term of office, and deliver the same to his successor in office;
- (11) Pay into the state treasury all moneys received by him for the use of the state.

[1975 c 40 § 5; 1971 c 81 § 109; 1965 c 8 § 43.10.030. Prior: (i) 1929 c 92 § 3; RRS § 112. (ii) 1929 c 92 § 4; RRS § 11032; prior: 1891 c 55 § 2; 1888 p 8 § 6.]

RCW 43.10.035 Prosecutions for official delinquencies in the assessment, collection and payment of revenue; failure to pay over or deliver public money or property; and against all debtors of the state.

Applicable Cases

Upon receipt of information from the state auditor as provided in *RCW 43.09.050(3) as now or hereafter amended, the attorney general shall direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property,

and fail to pay over or deliver the same, and against all debtors of the state.

[1977 ex.s. c 144 § 9.]

Notes:

***Reviser's note:** RCW 43.09.050 was amended by 1992 c 118 § 6, changing subsection (3) to subsection (4).

RCW 43.10.040 Representation of boards, commissions and agencies.

Applicable Cases

The attorney general shall also represent the state and all officials, departments, boards, commissions and agencies of the state in the courts, and before all administrative tribunals or bodies of any nature, in all legal or quasi legal matters, hearings, or proceedings, and advise all officials, departments, boards, commissions, or agencies of the state in all matters involving legal or quasi legal questions, except those declared by law to be the duty of the prosecuting attorney of any county.

[1965 c 8 § 43.10.040. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]

RCW 43.10.045 Retention of counsel by legislature--Notice--Representation in absence of notice.

Applicable Cases

The legislature may employ or retain counsel of its own choosing. However, the legislature shall notify the attorney general whenever it makes a decision to use the services of such counsel to represent it or any of its members in a particular judicial or administrative proceeding. With respect to any such proceeding where the legislature has not so notified the attorney general, the attorney general shall represent the legislature until so notified. For purposes of this section, "legislature" means the senate and house of representatives together. The major purposes of this section are to confirm and implement in statute law the constitutional power of the legislative branch to select its own counsel.

[1986 c 323 § 1.]

RCW 43.10.050 Authority to execute appeal and other bonds.

Applicable Cases

The attorney general may execute, on behalf of the state, any appeal or other bond required to be given by the state in any judicial proceeding to which it is a party in any court, and procure sureties thereon.

[1965 c 8 § 43.10.050. Prior: 1929 c 92 § 6; RRS § 11034; prior: 1905 c 99 § 1.]

RCW 43.10.060 Appointment and authority of assistants.

Applicable Cases

The attorney general may appoint necessary assistants, who shall hold office at his pleasure, and who shall have the power to perform any act which the attorney general is

authorized by law to perform.

[1965 c 8 § 43.10.060. Prior: 1929 c 92 § 7, part; RRS § 11034-1, part.]

RCW 43.10.065 Employment of attorneys and employees to transact state's legal business.

Applicable Cases

The attorney general may employ or discharge attorneys and employees to transact for the state, its departments, officials, boards, commissions, and agencies, all business of a legal or quasi legal nature, except those declared by law to be the duty of the judge of any court, or the prosecuting attorney of any county.

[1965 c 8 § 43.10.065. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part. Formerly RCW 43.10.060, part.]

RCW 43.10.067 Employment of attorneys by others restricted.

Applicable Cases

No officer, director, administrative agency, board, or commission of the state, other than the attorney general, shall employ, appoint or retain in employment any attorney for any administrative body, department, commission, agency, or tribunal or any other person to act as attorney in any legal or quasi legal capacity in the exercise of any of the powers or performance of any of the duties specified by law to be performed by the attorney general, except where it is provided by law to be the duty of the judge of any court or the prosecuting attorney of any county to employ or appoint such persons: PROVIDED, That RCW 43.10.040, and 43.10.065 through 43.10.080 shall not apply to the administration of the commission on judicial conduct, the state law library, the law school of the state university, the administration of the state bar act by the Washington State Bar Association, or the representation of an estate administered by the director of the department of revenue or the director's designee pursuant to chapter 11.28 RCW.

The authority granted by chapter 1.08 RCW, RCW 44.28.065, and 47.01.061 shall not be affected hereby.

[1997 c 41 § 9. Prior: 1987 c 364 § 1; 1987 c 186 § 7; prior: 1985 c 133 § 2; 1985 c 7 § 108; 1981 c 268 § 1; 1965 c 8 § 43.10.067; prior: (i) 1941 c 50 § 2; Rem. Supp. 1941 § 11034-4. (ii) 1941 c 50 § 4; Rem. Supp. 1941 § 11034-6. Formerly RCW 43.01.080.]

RCW 43.10.070 Compensation of assistants, attorneys and employees.

Applicable Cases

The attorney general shall fix the compensation of all assistants, attorneys, and employees, and in the event they are assigned to any department, board, or commission, such department, board, or commission shall pay the compensation as fixed by the attorney general, not however in excess of the amount made available to the department by law for legal services.

[1965 c 8 § 43.10.070. Prior: 1941 c 50 § 1, part; Rem. Supp. 1941 § 11034-3, part.]

RCW 43.10.080 Employment of experts, technicians.

Applicable Cases

The attorney general may employ such skilled experts, scientists, technicians, or other specially qualified persons as he deems necessary to aid him in the preparation or trial of actions or proceedings.

[1965 c 8 § 43.10.080. Prior: 1941 c 50 § 3; Rem. Supp. 1941 § 11034-5.]

RCW 43.10.090 Criminal investigations--Supervision.

Applicable Cases

Upon the written request of the governor the attorney general shall investigate violations of the criminal laws within this state.

If, after such investigation, the attorney general believes that the criminal laws are improperly enforced in any county, and that the prosecuting attorney of the county has failed or neglected to institute and prosecute violations of such criminal laws, either generally or with regard to a specific offense or class of offenses, the attorney general shall direct the prosecuting attorney to take such action in connection with any prosecution as the attorney general determines to be necessary and proper.

If any prosecuting attorney, after the receipt of such instructions from the attorney general, fails or neglects to comply therewith within a reasonable time, the attorney general may initiate and prosecute such criminal actions as he shall determine. In connection therewith, the attorney general shall have the same powers as would otherwise be vested in the prosecuting attorney.

From the time the attorney general has initiated or taken over a criminal prosecution, the prosecuting attorney shall not have power or authority to take any legal steps relating to such prosecution, except as authorized or directed by the attorney general.

[1965 c 8 § 43.10.090. Prior: 1937 c 88 § 1; RRS § 112-1.]

Notes:

Corporations, governor may require attorney general to investigate: RCW 43.06.010.

Prosecuting attorneys, governor may require attorney general to aid: RCW 43.06.010.

RCW 43.10.095 Homicide investigative tracking system--Supervision management and recidivist tracking (SMART) system.

Applicable Cases

(1) There is created, as a component of the homicide investigative tracking system, a supervision management and recidivist tracking system called the SMART system. The office of the attorney general may contract with any state, local, or private agency necessary for implementation of and training for supervision management and recidivist tracking program partnerships for development and operation of a state-wide computer linkage between the attorney general's homicide investigative tracking system, local police departments, and the state department of corrections. Dormant information in the supervision management and recidivist tracking system shall be automatically archived after seven years. The department of corrections shall notify the attorney general when each person is no longer under its supervision.

(2) As used in this section, unless the context requires otherwise:

(a) "Dormant" means there have been no inquiries by the department of corrections or law enforcement with regard to an active supervision case or an active criminal investigation in the past seven years.

(b) "Archived" means information which is not in the active data base and can only be retrieved for use in an active criminal investigation.

[1998 c 223 § 2.]

Notes:

Finding--1998 c 223: "The legislature finds that increased communications between local law enforcement officers and the state department of corrections' community corrections officers improves public safety through shared monitoring and supervision of offenders living in the community under the jurisdiction of the department of corrections.

Participating local law enforcement agencies and the local offices of the department of corrections have implemented the supervision management and recidivist tracking program, whereby each entity provides mutual assistance in supervising offenders living within the boundaries of local law enforcement agencies. The supervision management and recidivist tracking program has helped local law enforcement solve crimes faster or prevented future criminal activity by reporting offender's sentence violations in a more timely manner to community corrections officers by rapid and comprehensive electronic sharing of information regarding supervised offenders. The expansion of the supervision management and recidivist tracking program will improve public safety throughout the state." [1998 c 223 § 1.]

RCW 43.10.097 Homicide investigative tracking system--Purpose limited.

Applicable Cases

The homicide investigative tracking system and the supervision management and recidivist tracking system are tools for the administration of criminal justice and these systems may not be used for any other purpose.

[1998 c 223 § 3.]

Notes:

Finding--1998 c 223: See note following RCW 43.10.095.

RCW 43.10.101 Report to legislative transportation committee--Tort claims.

Applicable Cases

The attorney general shall prepare annually a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (6) Such other matters relating to the case as the attorney general deems relevant or

appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

[1995 2nd sp.s. c 14 § 527.]

Notes:

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

RCW 43.10.110 Other powers and duties.

Applicable Cases

The attorney general shall have the power and it shall be his duty to perform any other duties that are, or may from time to time be required of him by law.

[1965 c 8 § 43.10.110. Prior: 1929 c 92 § 8; RRS § 11034-2.]

RCW 43.10.115 Private practice of law--Attorney general--Prohibited.

Applicable Cases

The attorney general shall not practice law for remuneration in his private capacity:

- (1) As an attorney in any court of this state during his continuance in office; or
- (2) As adviser or advocate for any person who may wish to become his client.

[1973 c 43 § 2.]

Notes:

Severability--1973 c 43: See note following RCW 43.10.010.

RCW 43.10.120 Private practice of law--Deputies and assistants--Prohibited.

Applicable Cases

No full time deputy or assistant attorney general shall practice law for remuneration in his private capacity:

- (1) As an attorney in any court of this state during his continuance in office; or
- (2) As adviser or advocate for any person who may wish to become his client.

[1973 c 43 § 3.]

Notes:

Severability--1973 c 43: See note following RCW 43.10.010.

RCW 43.10.125 Private practice of law--Special assistant attorney generals.

Applicable Cases

Special assistant attorney generals employed on less than a full time basis to transact business of a legal or quasi legal nature for the state, such assistants and attorneys may practice law in their private capacity as attorney.

[1973 c 43 § 4.]

Notes:

Severability--1973 c 43: See note following RCW 43.10.010.

RCW 43.10.130 Private practice of law--Exceptions.

Applicable Cases

None of the provisions of RCW 43.10.010 and 43.10.115 through 43.10.125 shall be construed as prohibiting the attorney general or any of his full time deputies or assistants from:

- (1) Performing legal services for himself or his immediate family; or
- (2) Performing legal services of a charitable nature.

[1973 c 43 § 5.]

Notes:

Severability--1973 c 43: See note following RCW 43.10.010.

RCW 43.10.150 Legal services revolving fund--Created--Purpose.

Applicable Cases

A legal services revolving fund is hereby created in the state treasury for the purpose of a centralized funding, accounting, and distribution of the actual costs of the legal services provided to agencies of the state government by the attorney general.

[1974 ex.s. c 146 § 1; 1971 ex.s. c 71 § 1.]

Notes:

Effective date--1974 ex.s. c 146: "This act shall take effect on July 1, 1974 for costs, billings and charges affecting the 1975 fiscal year and subsequent biennia." [1974 ex.s. c 146 § 5.]

Legal services revolving fund--Approval of certain changes required: RCW 43.88.350.

RCW 43.10.160 Legal services revolving fund--Transfers and payments into fund--Allotments to attorney general.

Applicable Cases

The amounts to be disbursed from the legal services revolving fund from time to time shall be transferred thereto by the state treasurer from funds appropriated to any and all agencies for legal services or administrative expenses on a quarterly basis. Agencies operating in whole or in part from nonappropriated funds shall pay into the legal services revolving fund such funds as will fully reimburse funds appropriated to the attorney general for any legal services provided activities financed by nonappropriated funds.

The director of financial management shall allot all such funds to the attorney general for the operation of his office, pursuant to appropriation, in the same manner as appropriated funds are allocated to other agencies headed by elected officers under chapter 43.88 RCW.

[1979 c 151 § 94; 1974 ex.s. c 146 § 2; 1971 ex.s. c 71 § 2.]

Notes:

Effective date--1974 ex.s. c 146: See note following RCW 43.10.150.

RCW 43.10.170 Legal services revolving fund--Disbursements.

Applicable Cases

Disbursements from the legal services revolving fund shall be pursuant to vouchers executed by the attorney general or his designee in accordance with the provisions of RCW 43.88.160.

[1971 ex.s. c 71 § 3.]

RCW 43.10.180 Legal services revolving fund--Allocation of costs to funds and agencies--Accounting--Billing.

Applicable Cases

The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

[1979 c 151 § 95; 1974 ex.s. c 146 § 3; 1971 ex.s. c 71 § 4.]

Notes:

Effective date--1974 ex.s. c 146: See note following RCW 43.10.150.

RCW 43.10.190 Legal services revolving fund--Direct payments from agencies.

Applicable Cases

In cases where there are unanticipated demands for legal services or where there are insufficient funds on hand or available for payment through the legal services revolving fund or in other cases of necessity, the attorney general may request payment for legal services directly from agencies for whom the services are performed to the extent that revenues or other funds are available. Upon approval by the director of financial management the agency shall make the requested payment. The payment may be made on either an advance or reimbursable basis as approved by the director of financial management.

[1979 c 151 § 96; 1971 ex.s. c 71 § 5.]

RCW 43.10.200 Legal services revolving fund--Recovered court costs, fees and expenses--Deposit in fund--Expenditure.

Applicable Cases

Court costs, attorneys' fees, and other expenses recovered by the attorney general shall be deposited in the legal services revolving fund and shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended in the same manner and under the same conditions and restrictions as set forth in section 11, chapter 282, Laws of 1969 ex. sess.

[1971 ex.s. c 71 § 6.]

RCW 43.10.210 Antitrust revolving fund--Legislative finding and purpose.

Applicable Cases

The legislature having found that antitrust laws and the enforcement thereof are necessary

for the protection of consumers and businesses, and further that the creation of an antitrust revolving fund provides a reasonable means of funding antitrust actions by the attorney general, and that the existence of such a fund increases the possibility of obtaining funding from other sources, now therefore creates the antitrust revolving fund.

[1974 ex.s. c 162 § 1.]

RCW 43.10.215 Antitrust revolving fund--Created--Contents.

Applicable Cases

There is hereby created the antitrust revolving fund in the custody of the state treasurer which shall consist of: Funds appropriated to the revolving fund, funds transferred to the revolving fund pursuant to a court order or judgment in an antitrust action; gifts or grants made to the revolving fund; and funds awarded to the state or any agency thereof for the recovery of costs and attorney fees in an antitrust action: PROVIDED HOWEVER, That to the extent that such costs constitute reimbursement for expenses directly paid from constitutionally dedicated funds, such recoveries shall be transferred to the constitutionally dedicated fund.

[1974 ex.s. c 162 § 2.]

RCW 43.10.220 Antitrust revolving fund--Expenditures.

Applicable Cases

The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the 1999-01 fiscal biennium, the attorney general may expend up to one million three hundred thousand dollars from the antitrust revolving fund for the purposes of implementing a case management data processing system for the centralized management of cases and workload, including antitrust and other complex litigation.

[1999 c 309 § 916; 1974 ex.s. c 162 § 3.]

Notes:

Severability--Effective date--1999 c 309: See notes following RCW 41.45.063.

RCW 43.10.230 Purpose.

Applicable Cases

The purpose of RCW 43.10.232 is to grant authority to the attorney general concurrent with the county prosecuting attorneys to investigate and prosecute crimes. The purpose of *RCW 43.10.234 is to insure access by the attorney general to the procedural powers of the various prosecuting attorneys in exercising criminal prosecutorial authority granted in RCW 43.10.232 or otherwise granted by the legislature.

[1981 c 335 § 1.]

Notes:

***Reviser's note:** The reference to RCW 43.10.234 appears to be erroneous. RCW 10.01.190 was

apparently intended.

RCW 43.10.232 Concurrent authority to investigate crimes and initiate and conduct prosecutions--Payment of costs.

Applicable Cases

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

(a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

(b) The governor of the state of Washington; or

(c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

[1986 c 257 § 16; 1981 c 335 § 2.]

Notes:

Severability--1986 c 257: See note following RCW 9A.56.010.

RCW 43.10.234 Determination of prosecuting authority if defendant charged by attorney general and prosecuting attorney.

Applicable Cases

If both a prosecuting attorney and the attorney general file an information or indictment charging a defendant with substantially the same offense(s), the court shall, upon motion of either the prosecuting attorney or the attorney general:

(1) Determine whose prosecution of the case will best promote the interests of justice and enter an order designating that person as the prosecuting authority in the case; and

(2) Enter an order dismissing the information or indictment filed by the person who was not designated the prosecuting authority.

[1981 c 335 § 3.]

RCW 43.10.240 Investigative and criminal prosecution activity--Annual report--Security protection.

Applicable Cases

The attorney general shall annually report to the organized crime advisory board a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the board shall be given all necessary security

protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately by members of the board.

[1985 c 251 § 1.]

RCW 43.10.250 Appellate review of criminal case.

Applicable Cases

Upon request of a prosecuting attorney, the attorney general may assume responsibility for the appellate review of a criminal case or assist the prosecuting attorney in the appellate review if the attorney general finds that the case involves fundamental issues affecting the public interest and the administration of criminal justice in this state.

[1985 c 251 § 2.]

RCW 43.10.260 Criminal profiteering--Assistance to local officials.

Applicable Cases

The attorney general may: (1) Assist local law enforcement officials in the development of cases arising under the criminal profiteering laws with special emphasis on narcotics related cases; (2) assist local prosecutors in the litigation of criminal profiteering or drug asset forfeiture cases, or, at the request of a prosecutor's office, litigate such cases on its behalf; and (3) conduct seminars and training sessions on prosecution of criminal profiteering cases and drug asset forfeiture cases.

[1991 c 345 § 2.]

Notes:

Findings--1991 c 345: "The legislature finds that drug asset forfeiture and criminal profiteering laws allow law enforcement officials and the courts to strip drug dealers and other successful criminals of the wealth they have acquired from their crimes and the assets they have used to facilitate those crimes. These laws are rarely used by prosecutors, however, because of the difficulty in identifying profiteering and the assets that criminals may have as a result of their crimes. It is the intent of the legislature to provide assistance to local law enforcement officials and state agencies to seize the assets of criminals and the proceeds of their profiteering." [1991 c 345 § 1.]

RCW 43.10.270 Criminal profiteering--Asset recovery.

Applicable Cases

All assets recovered pursuant to RCW 43.10.260 shall be distributed in the following manner: (1) For drug asset forfeitures, pursuant to the provisions of RCW 69.50.505; and (2) for criminal profiteering cases, pursuant to the provisions of RCW 9A.82.100.

[1991 c 345 § 3.]

Notes:

Findings--1991 c 345: See note following RCW 43.10.260.

**Chapter 43.12 RCW
COMMISSIONER OF PUBLIC LANDS**

Revised Code of Washington, 1999

RCW

- 43.12.010 Powers and duties--Generally.
- 43.12.025 Sealing of open holes and mine shafts.
- 43.12.035 Mine owners--Maps of property surface and underground workings--Filing.
- 43.12.045 Rule-making authority.
- 43.12.055 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Notes:

Abstracts of state lands maintained by: RCW 79.01.304.

Administrator of natural resources: RCW 43.30.050.

Assistant commissioner: RCW 79.01.056.

Attorney general to represent: RCW 79.01.736.

Board of natural resources secretary: RCW 43.30.150.

Bonds: RCW 79.01.064.

City or metropolitan park district parks or playgrounds, member of citizens committee to investigate and determine needs for tidelands and shorelands: RCW 79.08.080.

Duties of, to be prescribed by legislature: State Constitution Art. 3 § 23.

Election: State Constitution Art. 3 § 1.

Eminent domain

against state lands

filing judgment with commissioner of public lands: RCW 8.28.010.

service of process on: RCW 8.28.010.

by corporations, service on: RCW 8.20.020.

Employees: RCW 79.01.060.

Escheats

conveyance of real property to claimant: RCW 11.08.270.

jurisdiction and supervision over real property: RCW 11.08.220.

land acquired by, management and control over: RCW 79.01.612.

Fees: RCW 79.01.720, 79.01.724.

Funds, daily deposit of funds in state treasury: RCW 43.85.130.

Harbor line relocation, platting of additional tidelands and shorelands created by: RCW 79.92.020.

Interagency committee for outdoor recreation, membership: RCW 79A.25.110.

Land inspectors

compensation: RCW 79.01.068.

employment of: RCW 79.01.060.

false statements by, penalty: RCW 79.01.072.

oath: RCW 79.01.068.

Local and other improvements and assessments against state lands, tidelands and harbor area assessments, disapproval, effect: RCW 79.44.140.

Mistakes, recall of leases, contract or deeds to correct: RCW 79.01.740.

Oath of office: RCW 43.01.020, 79.01.056.

Office may be abolished by legislature: State Constitution Art. 3 § 25.

Powers and duties transferred to natural resources department: RCW 43.30.130.

Recall of leases, contracts, or deeds to correct mistakes: RCW 79.01.740.

Reclamation projects of state: RCW 89.16.080.

Reconsideration of official acts: RCW 79.01.740.

Records to be kept at state capitol: State Constitution Art. 3 § 24.

Reports to legislature: RCW 79.01.744.

Salary

amount of: RCW 43.03.010.
regulated by legislature: State Constitution Art. 3 § 23.
School lands, data and information furnished to department of natural resources as to sale or lease of: RCW 79.01.094.
State capitol committee
member: RCW 43.34.010.
secretary of: RCW 43.34.015.
State lands: Chapter 79.01 RCW.
State parks, withdrawal of public lands from sale, exchange for highway abutting lands, duties: RCW 79A.05.110.
Subpoena power: RCW 79.01.704.
Succession to governorship: State Constitution Art. 3 § 10.
Survey and map agency, advisory board, appointment: RCW 58.24.020.
Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.
Underground storage of natural gas
lease of public lands for: RCW 80.40.060.
notice of application for sent to: RCW 80.40.040.
United States land offices, appearance before: RCW 79.01.732.
Washington State University real property, annual report as to: RCW 28B.30.310.
Wildlife and recreation lands; funding of maintenance and operation: Chapter 79A.20 RCW.
Withdrawal of state land from lease for game purposes, powers and duties concerning: RCW 77.12.360.

RCW 43.12.010 Powers and duties--Generally.

Applicable Cases

The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law.

[1965 c 8 § 43.12.010. Prior: 1921 c 7 § 119; RRS § 10877.]

RCW 43.12.025 Sealing of open holes and mine shafts.

Applicable Cases

The department of natural resources shall work with federal officials and private mine owners to ensure the prompt sealing of open holes and mine shafts that constitute a threat to safety.

[1985 c 459 § 7.]

Notes:

Severability--1985 c 459: See note following RCW 79.01.668.

RCW 43.12.035 Mine owners--Maps of property surface and underground workings--Filing.

Applicable Cases

The owner of each mine shall make a map of the surface of the property. The owner of each active mine shall make a map of the underground workings. All maps shall be filed with the department of natural resources. The department shall establish by rule the scale and contents

required for the maps.

[1985 c 459 § 8.]

Notes:

Severability--1985 c 459: See note following RCW 79.01.668.

RCW 43.12.045 Rule-making authority.

Applicable Cases

For rules adopted after July 23, 1995, the commissioner of public lands may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

[1995 c 403 § 101.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.12.055 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Applicable Cases

Enforcement action taken after July 23, 1995, by the commissioner of public lands shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 622.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

Chapter 43.17 RCW

ADMINISTRATIVE DEPARTMENTS AND AGENCIES--GENERAL PROVISIONS

RCW

- 43.17.010 Departments created.
- 43.17.020 Chief executive officers--Appointment.
- 43.17.030 Powers and duties--Oath.
- 43.17.040 Chief assistant director--Powers.
- 43.17.050 Office at capital--Branch offices.
- 43.17.060 Departmental rules and regulations.
- 43.17.065 Expeditious exercise of power to issue permits, licenses, certifications, contracts, and grants--Cooperation.
- 43.17.070 Administrative committees.
- 43.17.100 Surety bonds for appointive state officers and employees.
- 43.17.110 Data, information, interdepartmental assistance.
- 43.17.120 Designation of agency to carry out federal social security disability program.
- 43.17.130 Designation of agency to carry out federal social security disability program--Appointment of personnel.

43.17.150	Receipt of property or money from United States attorney general--Use, expenditure--Deposit.
43.17.200	Allocation of moneys for acquisition of works of art--Expenditure by arts commission--Conditions.
43.17.205	Purchase of works of art--Interagency reimbursement for expenditure by visual arts program.
43.17.210	Purchase of works of art--Procedure.
43.17.230	Emergency information telephone services--Accessibility from all phones required--Charges.
43.17.240	Debts owed to the state--Interest rate.
43.17.250	County-wide planning policy.
43.17.310	Businesses--Rules coordinator to provide list of rules.
43.17.320	Interagency disputes--Alternative dispute resolution--Definitions.
43.17.330	Interagency disputes--Alternative dispute resolution--Methods.
43.17.340	Interagency disputes--Alternative dispute resolution--Exception.
43.17.350	Health-related state agencies--Professional health services--Fee schedules.
43.17.360	Lease of real property--Term of a lease--Use of proceeds--Retroactive application.
43.17.370	Prerelease copy of report or study to local government.

Notes:

Collection agency use by state: RCW 19.16.500.

Debts owed to state, interest rate: RCW 43.17.240.

Facilitating recovery from Mt. St. Helens eruption--Scope of state agency action: RCW 43.01.210.

RCW 43.17.010 Departments created.

Applicable Cases

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, and (14) the department of health, and (15) the department of financial institutions, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

[1993 sp.s. c 2 § 16; 1993 c 472 § 17; 1993 c 280 § 18; 1989 1st ex.s. c 9 § 810; 1987 c 506 § 2; 1985 c 466 § 47; 1984 c 125 § 12; 1981 c 136 § 61; 1979 c 10 § 1. Prior: 1977 ex.s. c 334 § 5; 1977 ex.s. c 151 § 20; 1977 c 7 § 1; prior: 1975-'76 2nd ex.s. c 115 § 19; 1975-'76 2nd ex.s. c 105 § 24; 1971 c 11 § 1; prior: 1970 ex.s. c 62 § 28; 1970 ex.s. c 18 § 50; 1969 c 32 § 1; prior: 1967 ex.s. c 26 § 12; 1967 c 242 § 12; 1965 c 156 § 20; 1965 c 8 § 43.17.010; prior: 1957 c 215 § 19; 1955 c 285 § 2; 1953 c 174 § 1; prior: (i) 1937 c 111 § 1, part; RRS § 10760-2, part. (ii) 1935 c 176 § 1; 1933 c 3 § 1; 1929 c 115 § 1; 1921 c 7 § 2; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part. (iv) 1947 c 114 § 5; Rem. Supp. 1947 § 10786-10c.]

Notes:

Reviser's note: This section was amended by 1993 c 280 § 18, 1993 c 472 § 17, and by 1993 sp.s. c 2 § 16, each without reference to the other. All amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1993 sp.s. c 2 §§ 1-6, 8-59, and 61-79: See RCW 43.300.900.
Severability--1993 sp.s. c 2: See RCW 43.300.901.
Effective date--Implementation--1993 c 472: See RCW 43.320.900 and 43.320.901.
Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.
Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.
Legislative findings and intent--1987 c 506: See note following RCW 77.04.020.
Effective date--Severability--1985 c 466: See notes following RCW 43.31.005.
Severability--Headings--Effective date--1984 c 125: See RCW 43.63A.901 through 43.63A.903.
Effective date--1981 c 136: See RCW 72.09.900.
Effective date--1977 ex.s. c 334: See note following RCW 46.01.011.
Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.
Severability--1975-'76 2nd ex.s. c 105: See note following RCW 41.04.270.
Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

Department of

agriculture: Chapter 43.23 RCW.
community, trade, and economic development: Chapter 43.330 RCW.
corrections: Chapter 72.09 RCW.
ecology: Chapter 43.21A RCW.
employment security: Chapter 50.08 RCW.
financial institutions: Chapter 43.320 RCW.
fish and wildlife: Chapters 43.300, 75.08, and 77.04 RCW.
general administration: Chapter 43.19 RCW.
health: Chapter 43.70 RCW.
information services: Chapter 43.105 RCW.
labor and industries: Chapter 43.22 RCW.
licensing: Chapters 43.24, 46.01 RCW.
natural resources: Chapter 43.30 RCW.
personnel: Chapter 41.06 RCW.
retirement systems: Chapter 41.50 RCW.
revenue: Chapter 82.01 RCW.
services for the blind: Chapter 74.18 RCW.
social and health services: Chapter 43.20A RCW.
transportation: Chapter 47.01 RCW.
veterans affairs: Chapter 43.60A RCW.

RCW 43.17.020 Chief executive officers--Appointment.

Applicable Cases

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, and (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the secretary of transportation and the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation

commission as prescribed by RCW 47.01.041. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

[1995 1st sp.s. c 2 § 2 (Referendum Bill No. 45, approved November 7, 1995). Prior: 1993 sp.s. c 2 § 17; 1993 c 472 § 18; 1993 c 280 § 19; 1989 1st ex.s. c 9 § 811; 1987 c 506 § 3; 1985 c 466 § 48; 1984 c 125 § 13; 1981 c 136 § 62; 1979 c 10 § 2; prior: 1977 ex.s. c 334 § 6; 1977 ex.s. c 151 § 21; 1977 c 7 § 2; prior: 1975-'76 2nd ex.s. c 115 § 20; 1975-'76 2nd ex.s. c 105 § 25; 1971 c 11 § 2; prior: 1970 ex.s. c 62 § 29; 1970 ex.s. c 18 § 51; 1969 c 32 § 2; prior: 1967 ex.s. c 26 § 13; 1967 c 242 § 13; 1965 c 156 § 21; 1965 c 8 § 43.17.020; prior: 1957 c 215 § 20; 1955 c 285 § 3; 1953 c 174 § 2; prior: (i) 1935 c 176 § 2; 1933 c 3 § 2; 1929 c 115 § 2; 1921 c 7 § 3; RRS § 10761. (ii) 1937 c 111 § 1, part; RRS § 10760. (iii) 1945 c 267 § 1, part; Rem. Supp. 1945 § 10459-1, part.]

Notes:

Effective date--1995 1st sp.s. c 2: "Sections 2 through 43 of this act shall take effect July 1, 1996." [1995 1st sp.s. c 2 § 45.]

Referral to electorate--1995 1st sp.s. c 2: See note following RCW 75.08.013.

Effective date--1993 sp.s. c 2 §§ 1-6, 8-59, and 61-79: See RCW 43.300.900.

Severability--1993 sp.s. c 2: See RCW 43.300.901.

Effective date--Implementation--1993 c 472: See RCW 43.320.900 and 43.320.901.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Legislative findings and intent--1987 c 506: See note following RCW 77.04.020.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

Severability--Headings--Effective date--1984 c 125: See RCW 43.63A.901 through 43.63A.903.

Effective date--1981 c 136: See RCW 72.09.900.

Effective date--1977 ex.s. c 334: See note following RCW 46.01.011.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability--1975-'76 2nd ex.s. c 105: See note following RCW 41.04.270.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 43.17.030 Powers and duties--Oath.

Applicable Cases

The directors of the several departments shall exercise such powers and perform such executive and administrative duties as are provided by law.

Each appointive officer before entering upon the duties of his office shall take and subscribe the oath of office prescribed by law for elective state officers, and file the same in the office of the secretary of state.

[1965 c 8 § 43.17.030. Prior: 1921 c 7 § 18; RRS § 10776.]

Notes:

Oaths of elective state officers: RCW 43.01.020.

RCW 43.17.040 Chief assistant director--Powers.

Applicable Cases

The director of each department may, from time to time, designate and deputize one of the assistant directors of his department to act as the chief assistant director, who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department

until a director is appointed and qualified, or the governor appoints an acting director.

[1965 c 8 § 43.17.040. Prior: 1921 c 7 § 118; RRS § 10876.]

RCW 43.17.050 Office at capital--Branch offices.

Applicable Cases

Each department shall maintain its principal office at the state capital. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

The governor, in his discretion, may require all administrative departments of the state and the appointive officers thereof, other than those created by this chapter, to maintain their principal offices at the state capital in rooms to be furnished by the director of general administration.

[1965 c 8 § 43.17.050. Prior: (i) 1921 c 7 § 20; RRS § 10778. (ii) 1921 c 7 § 134; RRS § 10892.]

Notes:

Departments to share occupancy--Capital projects surcharge: RCW 43.01.090.

Housing for state offices, departments, and institutions: Chapter 43.82 RCW.

RCW 43.17.060 Departmental rules and regulations.

Applicable Cases

The director of each department may prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

[1965 c 8 § 43.17.060. Prior: 1921 c 7 § 19; RRS § 10777.]

RCW 43.17.065 Expeditious exercise of power to issue permits, licenses, certifications, contracts, and grants--Cooperation.

Applicable Cases

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the *business assistance center of the department of community, trade, and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in rural natural resources impact areas, as defined in RCW 43.31.601, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application

approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency rural community assistance task force established in RCW 43.31.621 shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

[1995 c 226 § 24; 1993 c 280 § 37; 1991 c 314 § 28; 1990 1st ex.s. c 17 § 77.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.31.601.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.17.070 Administrative committees.

Applicable Cases

There shall be administrative committees of the state government, which shall be known as: (1) The state finance committee and (2) the state capitol committee.

[1982 c 40 § 8; 1965 c 8 § 43.17.070. Prior: 1929 c 115 § 3; 1921 c 7 § 4; RRS § 10762.]

Notes:

Severability--1982 c 40: See note following RCW 29.33.041.

State capitol committee: Chapter 43.34 RCW.

State finance committee: Chapter 43.33 RCW.

RCW 43.17.100 Surety bonds for appointive state officers and employees.

Applicable Cases

Every appointive state officer and employee of the state shall give a surety bond, payable to the state in such sum as shall be deemed necessary by the director of the department of general administration, conditioned for the honesty of the officer or employee and for the accounting of all property of the state that shall come into his possession by virtue of his office or employment, which bond shall be approved as to form by the attorney general and shall be filed in the office of the secretary of state.

The director of general administration may purchase one or more blanket surety bonds for the coverage required in this section.

Any bond required by this section shall not be considered an official bond and shall not be subject to chapter 42.08 RCW.

[1977 ex.s. c 270 § 7; 1975 c 40 § 6; 1965 c 8 § 43.17.100. Prior: 1921 c 7 § 16; RRS § 10774.]

Notes:

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

Official bonds: Chapter 42.08 RCW.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

RCW 43.17.110 Data, information, interdepartmental assistance.

Applicable Cases

Where power is vested in a department or officer to inspect, examine, secure data or information from, or procure assistance from, another department or officer, such other department or officer shall submit to such inspection or examination, and furnish the data, information, or assistance required.

[1965 c 8 § 43.17.110. Prior: 1921 c 7 § 128; RRS § 10886.]

RCW 43.17.120 Designation of agency to carry out federal social security disability program.

Applicable Cases

Such state agency as the governor may designate is hereby authorized to enter into an agreement on behalf of the state with the Secretary of Health, Education and Welfare to carry out the provisions of the federal social security act, as amended, relating to the making of determinations of disability under title II of such act.

[1965 c 8 § 43.17.120. Prior: 1955 c 200 § 1. Formerly RCW 74.44.010.]

Notes:

Federal social security for public employees: Chapters 41.33, 41.41, 41.47, and 41.48 RCW.

RCW 43.17.130 Designation of agency to carry out federal social security disability program--Appointment of personnel.

Applicable Cases

The state agency entering into such agreement shall appoint such professional personnel and other assistants and employees as may be reasonably necessary to carry out the provisions of RCW 43.17.120 and 43.17.130.

[1965 c 8 § 43.17.130. Prior: 1955 c 200 § 2. Formerly RCW 74.44.020.]

RCW 43.17.150 Receipt of property or money from United States attorney general--Use, expenditure--Deposit.

Applicable Cases

(1) Each state agency is authorized to receive property or money made available by the attorney general of the United States under section 881(e) of Title 21 of the United States Code and, except as required to the contrary under subsection (2) of this section, to use the property or spend the money for such purposes as are permitted under both federal law and the state law specifying the powers and duties of the agency.

(2) Unless precluded by federal law, all funds received by a state agency under section 881(e) of Title 21 of the United States Code shall be promptly deposited into the public safety and education account established in RCW 43.08.250.

[1986 c 246 § 1.]

RCW 43.17.200 Allocation of moneys for acquisition of works of art--Expenditure by arts commission--Conditions.

Applicable Cases

All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

[1983 c 204 § 4; 1974 ex.s. c 176 § 2.]

Notes:

Severability--1983 c 204: See note following RCW 43.46.090.

Acquisition of works of art for public buildings and lands--Visual arts program established: RCW 43.46.090.

Purchase of works of art

interagency reimbursement for expenditure by visual arts program: RCW 43.17.205.

procedure: RCW 43.19.455.

State art collection: RCW 43.46.095.

RCW 43.17.205 Purchase of works of art--Interagency reimbursement for expenditure by visual arts program.

Applicable Cases

The funds allocated under RCW 43.17.200, 28A.335.210, and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission when the particular law providing for the appropriation becomes effective. For appropriations which are dependent upon the sale of bonds, the amount or proportionate amount of the moneys under RCW 43.17.200, 28A.335.210, and 28B.10.025 shall be subject to interagency reimbursement for expenditure by the visual arts program of the Washington state arts commission thirty days after the sale of a bond or bonds.

[1990 c 33 § 574; 1983 c 204 § 3.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.
Severability--1983 c 204: See note following RCW 43.46.090.

RCW 43.17.210 Purchase of works of art--Procedure.

Applicable Cases

The Washington state arts commission shall determine the amount to be made available for the purchase of art in consultation with the agency, except where another person or agency is specified under RCW 43.19.455, 28A.335.210, or 28B.10.025, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the directors of the state agencies. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to in RCW 43.17.200, 43.19.455, 28A.335.210, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

[1990 c 33 § 575; 1983 c 204 § 5.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.
Severability--1983 c 204: See note following RCW 43.46.090.

RCW 43.17.230 Emergency information telephone services--Accessibility from all phones required--Charges.

Applicable Cases

(1) The legislature finds that when the state provides emergency information by telephone to citizens that is of a critical nature, such as road or weather hazards, the information should be accessible from all residential, commercial, and coin-operated telephones. Information such as road and weather conditions should be available to all persons traveling within the state whether they own a telephone in this state or not.

(2) If an agency or department of the state makes emergency information services available by telephone, the agency or department shall ensure that the telephone line is accessible from all coin-operated telephones in this state by both the use of coins and the use of a telephone credit card.

(3) A state agency that provides an emergency information service by telephone may establish charges to recover the cost of those services. However, an agency charging for the service shall not price it at a profit to create excess revenue for the agency. The agency shall do a total cost-benefit analysis of the available methods of providing the service and shall adopt the method that provides the service at the lowest cost to the user and the agency.

(4) "Emergency information services," as used in this section, includes information on road and weather conditions.

[1986 c 45 § 1.]

RCW 43.17.240 Debts owed to the state--Interest rate.

Applicable Cases

Interest at the rate of one percent per month, or fraction thereof, shall accrue on debts owed to the state, starting on the date the debts become past due. This section does not apply to: (1) Any instance where such interest rate would conflict with the provisions of a contract or with the provisions of any other law; or (2) debts to be paid by other governmental units. The office of financial management may adopt rules specifying circumstances under which state agencies may waive interest, such as when assessment or collection of interest would not be cost-effective. This section does not affect any authority of the state to charge or collect interest under any other law on a debt owed to the state by a governmental unit. This section applies only to debts which become due on or after July 28, 1991.

[1991 c 85 § 2.]

Notes:

Collection agency use by state: RCW 19.16.500.

RCW 43.17.250 County-wide planning policy.

Applicable Cases

(1) Whenever a state agency is considering awarding grants or loans for a county, city, or town planning under RCW 36.70A.040 to finance public facilities, it shall consider whether the county, city, or town requesting the grant or loan has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(2) When reviewing competing requests from counties, cities, or towns planning under RCW 36.70A.040, a state agency considering awarding grants or loans for public facilities shall accord additional preference to those counties, cities, or towns that have adopted a comprehensive plan and development regulations as required by RCW 36.70A.040. For the purposes of the preference accorded in this section, a county, city, or town planning under RCW 36.70A.040 is deemed to have satisfied the requirements for adopting a comprehensive plan and development regulations specified in RCW 36.70A.040 if the county, city, or town:

(a) Adopts or has adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040;

(b) Adopts or has adopted a comprehensive plan and development regulations before submitting a request for a grant or loan if the county, city, or town failed to adopt a comprehensive plan and/or development regulations within the time periods specified in RCW 36.70A.040; or

(c) Demonstrates substantial progress toward adopting a comprehensive plan or development regulations within the time periods specified in RCW 36.70A.040. A county, city, or town that is more than six months out of compliance with the time periods specified in RCW 36.70A.040 shall not be deemed to demonstrate substantial progress for purposes of this section.

(3) The preference specified in subsection (2) of this section applies only to competing requests for grants or loans from counties, cities, or towns planning under RCW 36.70A.040. A

request from a county, city, or town planning under RCW 36.70A.040 shall be accorded no additional preference based on subsection (2) of this section over a request from a county, city, or town not planning under RCW 36.70A.040.

(4) Whenever a state agency is considering awarding grants or loans for public facilities to a special district requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040 and shall apply the preference specified in subsection (2) of this section and restricted in subsection (3) of this section.

[1999 c 164 § 601; 1991 sp.s. c 32 § 25.]

Notes:

Reviser's note: 1991 sp.s. c 32 directed that this section be added to chapter 43.01 RCW. The placement appears inappropriate and the section has been codified as part of chapter 43.17 RCW.

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Savings--1999 c 164 §§ 301-303, 305, 306, and 601-603: See note following RCW 82.60.020.

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

RCW 43.17.310 Businesses--Rules coordinator to provide list of rules.

Applicable Cases

The rules coordinator under RCW 34.05.310 shall be knowledgeable regarding the agency's rules that affect businesses. The rules coordinator shall provide a list of agency rules applicable at the time of the request to a specific class or line of business, which are limited to that specific class or line as opposed to generic rules applicable to most businesses, to the *business assistance center when so requested by the *business assistance center for the specific class or line of business.

[1992 c 197 § 5.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.17.320 Interagency disputes--Alternative dispute resolution--Definitions.

Applicable Cases

For purposes of RCW 43.17.320 through 43.17.340, "state agency" means:

- (1) Any agency for which the executive officer is listed in RCW 42.17.2401(1); and
- (2) The office of the secretary of state; the office of the state treasurer; the office of the state auditor; the department of natural resources; the office of the insurance commissioner; and the office of the superintendent of public instruction.

[1993 c 279 § 2.]

Notes:

Intent--1993 c 279: "It is the intent of the legislature to reduce the number of time-consuming and costly lawsuits between state agencies by establishing alternative dispute resolution processes available to any agency."
[1993 c 279 § 1.]

RCW 43.17.330 Interagency disputes--Alternative dispute resolution--Methods.

Applicable Cases

Whenever a dispute arises between state agencies, agencies shall employ every effort to resolve the dispute themselves without resorting to litigation. These efforts shall involve alternative dispute resolution methods. If a dispute cannot be resolved by the agencies involved, any one of the disputing agencies may request the governor to assist in the resolution of the dispute. The governor shall employ whatever dispute resolution methods that the governor deems appropriate in resolving the dispute. Such methods may include, but are not limited to, the appointment by the governor of a mediator, acceptable to the disputing agencies, to assist in the resolution of the dispute. The governor may also request assistance from the attorney general to advise the mediator and the disputing agencies.

[1993 c 279 § 3.]

Notes:

Intent--1993 c 279: See note following RCW 43.17.320.

RCW 43.17.340 Interagency disputes--Alternative dispute resolution--Exception.

Applicable Cases

RCW 43.17.320 and 43.17.330 shall not apply to any state agency that is a party to a lawsuit, which: (1) Impleads another state agency into the lawsuit when necessary for the administration of justice; or (2) files a notice of appeal, petitions for review, or makes other filings subject to time limits, in order to preserve legal rights and remedies.

[1993 c 279 § 4.]

Notes:

Intent--1993 c 279: See note following RCW 43.17.320.

RCW 43.17.350 Health-related state agencies--Professional health services--Fee schedules.

Applicable Cases

For the purpose of accurately describing professional health services purchased by the state, health-related state agencies may develop fee schedules based on billing codes and service descriptions published by the American medical association or the United States federal health care financing administration, or develop agency unique codes and service descriptions.

[1995 1st sp.s. c 6 § 20.]

Notes:

Effective date--1995 1st sp.s. c 6: See note following RCW 28A.400.410.

RCW 43.17.360 Lease of real property--Term of a lease--Use of proceeds--Retroactive application.

Applicable Cases

(1) The department of social and health services and other state agencies may lease real property and improvements thereon to a consortium of three or more counties in order for the counties to construct or otherwise acquire correctional facilities for juveniles or adults.

(2) A lease governed by subsection (1) of this section shall not charge more than one dollar per year for the land value and facilities value, during the initial term of the lease, but the lease may include provisions for payment of any reasonable operation and maintenance expenses incurred by the state.

The initial term of a lease governed by subsection (1) of this section shall not exceed twenty years, except as provided in subsection (4) of this section. A lease renewed under subsection (1) of this section after the initial term shall charge the fair rental value for the land and improvements other than those improvements paid for by a contracting consortium. The renewed lease may also include provisions for payment of any reasonable operation and maintenance expenses incurred by the state. For the purposes of this subsection, fair rental value shall be determined by the commissioner of public lands in consultation with the department and shall not include the value of any improvements paid for by a contracting consortium.

(3) The net proceeds generated from any lease entered or renewed under subsection (1) of this section involving land and facilities on the grounds of eastern state hospital shall be used solely for the benefit of eastern state hospital programs for the long-term care needs of patients with mental disorders. These proceeds shall not supplant or replace funding from traditional sources for the normal operations and maintenance or capital budget projects. It is the intent of this subsection to ensure that eastern state hospital receives the full benefit intended by this section, and that such effect will not be diminished by budget adjustments inconsistent with this intent.

(4) The initial term of a lease under subsection (1) of this section entered into after January 1, 1996, and involving the grounds of Eastern State hospital, shall not exceed fifty years. This subsection applies retroactively, and the department shall modify any existing leases to comply with the terms of this subsection. No other terms of a lease modified by this subsection may be modified unless both parties agree.

[1997 c 349 § 1; 1996 c 261 § 2.]

Notes:

Severability--1997 c 349: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 349 § 2.]

Effective date--1997 c 349: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1997]." [1997 c 349 § 3.]

RCW 43.17.370 Prerelease copy of report or study to local government.

Applicable Cases

(1) An agency, prior to releasing a final report or study regarding management by a county, city, town, special purpose district, or other unit of local government of a program delegated to the local government by the agency or for which the agency has regulatory responsibility, shall provide copies of a draft of the report or study at least two weeks in advance of the release of the final report or study to the legislative body of the local government. The agency shall, at the request of a local government legislative body, meet with the legislative body before the release of a final report or study regarding the management of such a program.

(2) For purposes of this section, "agency" means an office, department, board, commission, or other unit of state government, other than a unit of state government headed by a separately elected official.

[1997 c 409 § 603.]

Notes:

Part headings--Severability--1997 c 409: See notes following RCW 43.22.051.

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Notes:

Archives and records management division: Chapter 40.14 RCW.

Buildings, provision to be made for use by aged and handicapped: Chapter 70.92 RCW.

Capitol campus design advisory committee: RCW 43.34.080.

Department created: RCW 43.17.010.

Director

appointment: RCW 43.17.020.

chief assistants: RCW 43.17.040.

control of traffic on capitol grounds: RCW 46.08.150.

oath: RCW 43.17.030.

vacancy in office of: RCW 43.17.020, 43.17.040.

East capitol site, powers and duties: Chapter 79.24 RCW.

Federal surplus property, powers and duties: Chapter 39.32 RCW.

Housing for state offices, departments, and institutions: Chapter 43.82 RCW.

Inventory of state-owned property: RCW 27.34.310, 43.19.19201, 43.20A.035, 43.20A.037, 43.41.150, 43.63A.510, 43.82.150, 47.12.064, 72.09.055, and 79.01.006.

Office located at state capital: RCW 43.17.050.

Parking facilities and traffic on capitol grounds: RCW 46.08.150 and 79.24.300 through 79.24.320.

Rules and regulations: RCW 43.17.060.

RCW 43.19.010 Director--Authority, appointment, salary.

Applicable Cases

The director of general administration shall be the executive head of the department of general administration. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall receive a salary in an amount fixed by the governor in accordance with RCW 43.03.040.

[1999 c 229 § 1; 1993 c 472 § 19; 1988 c 25 § 10; 1975 1st ex.s. c 167 § 1; 1965 c 8 § 43.19.010. Prior: 1959 c 301 § 1; 1955 c 285 § 4; 1955 c 195 § 6; 1935 c 176 § 11; prior: 1909 c 38 §§ 1-7; 1907 c 166 §§ 3-5; 1901 c 119 §§ 1-9; RRS § 10786-10.]

Notes:

Effective date--Implementation--1993 c 472: See RCW 43.320.900 and 43.320.901.

Severability--1975 1st ex.s. c 167: "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1975 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 167 § 20.]

RCW 43.19.011 Director--Powers and duties.

Applicable Cases

(1) The director of general administration shall supervise and administer the activities of the department of general administration and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

- (a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;
- (b) Accept and expend gifts and grants that are related to the purposes of this chapter, whether such grants be of federal or other funds;
- (c) Appoint a deputy director and such assistant directors and special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;
- (d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;
- (e) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and
- (f) Perform other duties as are necessary and consistent with law.

(3) The director may establish additional advisory groups as may be necessary to carry out the purposes of this chapter.

(4) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated

by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

[1999 c 229 § 2.]

RCW 43.19.015 Certain powers and duties of director of public institutions transferred to director of financial institutions.

Applicable Cases

The director of financial institutions shall have the power and duties of the director of public institutions contained in the following chapters of RCW: Chapter 33.04 RCW concerning savings and loan associations; and chapter 39.32 RCW concerning purchase of federal property.

[1994 c 92 § 495; 1984 c 29 § 2; 1983 c 3 § 101; 1981 c 115 § 2; 1965 c 8 § 43.19.015. Prior: 1955 c 285 § 18.]

Notes:

Effective date--1981 c 115: See note following RCW 40.14.020.

RCW 43.19.025 General administration services account.

Applicable Cases

The general services administration [general administration services] account is created in the custody of the state treasurer and shall be used for all activities previously budgeted and accounted for in the following internal service funds: The motor transport account, the general administration management fund, the general administration facilities and services revolving fund, the central stores revolving fund, the surplus property purchase revolving fund, and the risk management account. Only the director or the director's designee may authorize expenditures from the account.

[1998 c 105 § 1.]

Notes:

Effective date--1998 c 105: "This act takes effect July 1, 1999." [1998 c 105 § 18.]

RCW 43.19.123 Powers, duties, and functions pertaining to energy efficiency in public buildings--Transfer from state energy office--References to director or state energy office.

Applicable Cases

(1) All powers, duties, and functions of the state energy office pertaining to energy efficiency in public buildings are transferred to the department of general administration. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of general administration when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties

transferred shall be delivered to the custody of the department of general administration. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of general administration. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of general administration.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the department of general administration.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) Within funds available, employees of the state energy office whose primary responsibility is performing the powers, functions, and duties pertaining to energy efficiency in public buildings are transferred to the jurisdiction of the department of general administration. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of general administration to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of general administration. All existing contracts and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be performed by the department of general administration.

(5) The transfer of the powers, duties, functions, and personnel of the state energy office shall not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

[1996 c 186 § 401.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.19.125 Powers and duties--Division of capitol buildings.

Applicable Cases

The director of general administration, through the division of capitol buildings, shall

have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

[1965 c 8 § 43.19.125. Prior: 1959 c 301 § 2; 1955 c 285 § 9.]

Notes:

Capitol campus design advisory committee: RCW 43.34.080.

East capitol site, acquisition and development: RCW 79.24.500 through 79.24.600.

Housing for state offices: Chapter 43.82 RCW.

Parking facilities and traffic on capitol grounds: RCW 79.24.300 through 79.24.320, 46.08.150.

Public buildings, earthquake standards for construction: Chapter 70.86 RCW.

RCW 43.19.180 State purchasing and material control director--Appointment--Personnel.

Applicable Cases

The director of general administration shall appoint and deputize an assistant director to be known as the state purchasing and material control director, who shall have charge and supervision of the division of purchasing. In this capacity he shall ensure that overall state purchasing and material control policy is implemented by state agencies, including educational institutions, within established time limits.

With the approval of the director of general administration, he may appoint and employ such assistants and personnel as may be necessary to carry on the work of the division.

[1975-'76 2nd ex.s. c 21 § 1; 1965 c 8 § 43.19.180. Prior: 1955 c 285 § 10; 1935 c 176 § 16; RRS § 10786-15; prior: 1921 c 7 § 31; RRS § 10789.]

Notes:

Severability--1975-'76 2nd ex.s. c 21: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 21 § 14.]

RCW 43.19.185 State purchasing and material control director--System for the use of credit cards or similar devices to be developed--Rules.

Applicable Cases

(1) The director of general administration through the state purchasing and material control director shall develop a system for state agencies and departments to use credit cards or similar devices to make purchases. The director may contract to administer the credit cards.

(2) The director of general administration through the state purchasing and material control director shall adopt rules for:

- (a) The distribution of the credit cards;
- (b) The authorization and control of the use of the credit cards;
- (c) The credit limits available on the credit cards;
- (d) Instructing users of gasoline credit cards to use self-service islands whenever possible;
- (e) Payments of the bills; and
- (f) Any other rule necessary to implement or administer the program under this section.

[1987 c 47 § 1; 1982 1st ex.s. c 45 § 1.]

RCW 43.19.190 State purchasing and material control director--Powers and duties.

Applicable Cases

The director of general administration, through the state purchasing and material control director, shall:

(1) Establish and staff such administrative organizational units within the division of purchasing as may be necessary for effective administration of the provisions of RCW 43.19.190 through 43.19.1939;

(2) Purchase all material, supplies, services, and equipment needed for the support, maintenance, and use of all state institutions, colleges, community colleges, technical colleges, college districts, and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state: PROVIDED, That the provisions of RCW 43.19.190 through 43.19.1937 do not apply in any manner to the operation of the state legislature except as requested by the legislature: PROVIDED, That any agency may purchase material, supplies, services, and equipment for which the agency has notified the purchasing and material control director that it is more cost-effective for the agency to make the purchase directly from the vendor: PROVIDED, That primary authority for the purchase of specialized equipment, instructional, and research material for their own use shall rest with the colleges, community colleges, and universities: PROVIDED FURTHER, That universities operating hospitals and the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may make purchases for hospital operation by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations: PROVIDED FURTHER, That primary authority for the purchase of materials, supplies, and equipment for resale to other than public agencies shall rest with the state agency concerned: PROVIDED FURTHER, That authority to purchase services as included herein does not apply to personal services as defined in chapter 39.29 RCW, unless such organization specifically requests assistance from the division of purchasing in obtaining personal services and resources are available within the division to provide such assistance: PROVIDED FURTHER, That the authority for the purchase of insurance and bonds shall rest with the risk manager under RCW 43.19.1935: PROVIDED FURTHER, That, except for the authority of the risk manager to purchase insurance and bonds, the director is not required to provide purchasing services for institutions of higher education that choose to exercise independent purchasing authority under RCW 28B.10.029;

(3) Have authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify restrictions as to dollar amount or to specific types of material, equipment, services, and supplies. Acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with other sections of RCW 43.19.190 through

43.19.1939, or from policies established by the director. Also, delegation of such authorization to a state agency, including an educational institution to which this section applies, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies as established herein;

(4) Contract for the testing of material, supplies, and equipment with public and private agencies as necessary and advisable to protect the interests of the state;

(5) Prescribe the manner of inspecting all deliveries of supplies, materials, and equipment purchased through the division;

(6) Prescribe the manner in which supplies, materials, and equipment purchased through the division shall be delivered, stored, and distributed;

(7) Provide for the maintenance of a catalogue library, manufacturers' and wholesalers' lists, and current market information;

(8) Provide for a commodity classification system and may, in addition, provide for the adoption of standard specifications;

(9) Provide for the maintenance of inventory records of supplies, materials, and other property;

(10) Prepare rules and regulations governing the relationship and procedures between the division of purchasing and state agencies and vendors;

(11) Publish procedures and guidelines for compliance by all state agencies, including those educational institutions to which this section applies, which implement overall state purchasing and material control policies;

(12) Advise state agencies, including educational institutions, regarding compliance with established purchasing and material control policies under existing statutes.

[1995 c 269 § 1401; 1994 c 138 § 1; 1993 sp.s. c 10 § 2; 1993 c 379 § 102; 1991 c 238 § 135. Prior: 1987 c 414 § 10; 1987 c 70 § 1; 1980 c 103 § 1; 1979 c 88 § 1; 1977 ex.s. c 270 § 4; 1975-'76 2nd ex.s. c 21 § 2; 1971 c 81 § 110; 1969 c 32 § 3; prior: 1967 ex.s. c 104 § 2; 1967 ex.s. c 8 § 51; 1965 c 8 § 43.19.190; prior: 1959 c 178 § 1; 1957 c 187 § 1; 1955 c 285 § 12; prior: (i) 1935 c 176 § 21; RRS § 10786-20. (ii) 1921 c 7 § 42; RRS § 10800. (iii) 1955 c 285 § 12; 1921 c 7 § 37, part; RRS § 10795, part.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Purpose--1993 sp.s. c 10: "The legislature recognizes the need for state agencies to maximize the buying power of increasingly scarce resources for the purchase of goods and services. The legislature seeks to provide state agencies with the ability to purchase goods and services at the lowest cost." [1993 sp.s. c 10 § 1.]

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

Effective dates--Severability--1991 c 238: See RCW 28B.50.917 and 28B.50.918.

Severability--1987 c 414: See RCW 39.29.900.

Severability--1980 c 103: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 103 § 3.]

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

Federal surplus property: Chapter 39.32 RCW.

Purchase of blind made products and services: Chapter 19.06 RCW.

RCW 43.19.1901 "Purchase" includes leasing or renting--Electronic data processing equipment excepted.

Applicable Cases

The term "purchase" as used in RCW 43.19.190 through 43.19.200, and as they may hereafter be amended, shall include leasing or renting: PROVIDED, That the purchasing, leasing or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law.

The acquisition of job services and all other services for the family independence program under *chapter 74.21 RCW shall not be included in the term "purchasing" under this chapter.

[1987 c 434 § 23; 1983 c 3 § 102; 1967 ex.s. c 104 § 1.]

Notes:

***Reviser's note:** Chapter 74.21 RCW expired June 30, 1993, pursuant to 1988 c 43 § 5.

RCW 43.19.1905 State-wide policy for purchasing and material control--Establishment--Functions covered.

Applicable Cases

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

- (1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;
- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of

purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;

(8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters which require the establishment of overall state-wide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

[1995 c 269 § 1402; 1993 sp.s. c 10 § 3; 1987 c 504 § 16; 1980 c 172 § 7; 1975-'76 2nd ex.s. c 21 § 5.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Notification forms--1993 sp.s. c 10: "The department of general administration shall forward copies of notification forms required under RCW 43.19.1905(7) to the office of financial management. By September 1, 1994, the department of general administration shall report to the house of representatives fiscal committees and senate ways and means committee on the volume and type of purchases made and the aggregate savings identified by state agencies making purchases as authorized by this act for fiscal year 1994." [1993 sp.s. c 10 § 4.]

Purpose--1993 sp.s. c 10: See note following RCW 43.19.190.

Severability--Effective date--1987 c 504: See RCW 43.105.901 and 43.105.902.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

Energy conservation--Legislative finding--Declaration--Purpose: RCW 43.19.668 and 43.19.669.

RCW 43.19.19052 Initial purchasing and material control policy--Legislative intent--Agency cooperation.

Applicable Cases

Initial policy determinations for the functions described in RCW 43.19.1905 shall be developed and published within the 1975-77 biennium by the director for guidance and compliance by all state agencies, including educational institutions, involved in purchasing and material control. Modifications to these initial supply management policies established during the 1975-77 biennium shall be instituted by the director in future biennia as required to maintain an efficient and up-to-date state supply management system.

It is the intention of the legislature that measurable improvements in the effectiveness and economy of supply management in state government shall be achieved during the 1975-77 biennium, and each biennium thereafter. All agencies, departments, offices, divisions, boards, and commissions and educational, correctional, and other types of institutions are required to cooperate with and support the development and implementation of improved efficiency and economy in purchasing and material control. To effectuate this legislative intention, the director, through the state purchasing and material control director, shall have the authority to direct and require the submittal of data from all state organizations concerning purchasing and material control matters.

[1998 c 245 § 54; 1995 c 269 § 1403; 1986 c 158 § 9; 1979 c 151 § 98; 1975-'76 2nd ex.s. c 21 § 6.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

RCW 43.19.19054 Exemptions from state-wide policy for purchasing and material control.

Applicable Cases

The provisions of RCW 43.19.1905 shall not apply to materials, supplies, and equipment purchased for resale to other than public agencies by state agencies, including educational institutions. In addition, RCW 43.19.1905 shall not apply to liquor purchased by the state for resale under the provisions of Title 66 RCW.

[1975-'76 2nd ex.s. c 21 § 7.]

Notes:

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

RCW 43.19.1906 Competitive bids--Sealed bids, exceptions.

Applicable Cases

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 or under RCW 28B.10.029. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management: PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the thirty-five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management: PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. The agency shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from three thousand dollars to thirty-five thousand dollars, or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes. Purchases up to three thousand dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients;

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes and by the state purchasing and material control director, as the agent for state hospitals as defined in RCW 72.23.010, and for health care programs provided in state correctional institutions as defined in RCW 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and 72.36.070, made by participating in contracts for materials, supplies, and equipment entered into by nonprofit cooperative hospital group purchasing organizations;

(7) Purchases for resale by institutions of higher education to other than public agencies when such purchases are for the express purpose of supporting instructional programs and may best be executed through direct negotiation with one or more suppliers in order to meet the special needs of the institution;

(8) Purchases by institutions of higher education not exceeding thirty-five thousand dollars: PROVIDED, That for purchases between three thousand dollars and thirty-five thousand dollars quotations shall be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. For purchases between three thousand dollars and thirty-five thousand dollars, each institution of higher education shall invite at least one quotation each from a certified minority and a certified women-owned vendor who shall otherwise qualify to perform such work. A record of competition for all such purchases made from three thousand to thirty-five thousand dollars shall be documented for audit purposes; and

(9) Negotiation of a contract by the department of transportation, valid until June 30, 2001, with registered tow truck operators to provide roving service patrols in one or more Washington state patrol tow zones whereby those registered tow truck operators wishing to participate would cooperatively, with the department of transportation, develop a demonstration project upon terms and conditions negotiated by the parties.

Beginning on July 1, 1995, and on July 1 of each succeeding odd-numbered year, the dollar limits specified in this section shall be adjusted as follows: The office of financial management shall calculate such limits by adjusting the previous biennium's limits by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars. However, the three thousand dollar figure in subsections (2) and (8) of this section may not be adjusted to exceed five thousand dollars.

[1999 1st sp.s. c 1 § 606; 1999 c 195 § 1; 1999 c 106 § 1; 1995 c 269 § 1404; 1994 c 300 § 1; 1993 c 379 § 103; 1992 c 85 § 1. Prior: 1987 c 81 § 1; 1987 c 70 § 2; 1985 c 342 § 1; 1984 c 102 § 3; 1983 c 141 § 1; 1980 c 103 § 2; 1979 ex.s. c 14 § 1; 1977 ex.s. c 270 § 5; 1975-'76 2nd ex.s. c 21 § 8; 1965 c 8 § 43.19.1906; prior: 1959 c 178 §

4.]

Notes:

Reviser's note: This section was amended by 1999 c 106 § 1, 1999 c 195 § 1, and by 1999 1st sp.s. c 1 § 606, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1999 1st sp.s. c 1: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 1st sp.s. c 1 § 619.]

Effective date--1999 1st sp.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 27, 1999]." [1999 1st sp.s. c 1 § 620.]

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

Findings--1984 c 102: See note following RCW 43.19.200.

Severability--1980 c 103: See note following RCW 43.19.190.

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

RCW 43.19.1908 Bids--Solicitation, notices--Qualified bidders--Writing.

Applicable Cases

Competitive bidding required by RCW 43.19.190 through 43.19.1939 shall be solicited by public notice, and through the sending of notices by mail, electronic transmission, or other means to bidders on the appropriate list of bidders who shall have qualified by application to the division of purchasing. Bids may be solicited by the purchasing division from any source thought to be of advantage to the state. All bids shall be in writing and conform to rules of the division of purchasing.

[1994 c 300 § 2; 1965 c 8 § 43.19.1908. Prior: 1959 c 178 § 5.]

RCW 43.19.1911 Competitive bids--Notice of modification or cancellation--Cancellation requirements--Lowest responsible bidder--Preferential purchase--Life cycle costing.

Applicable Cases

(1) Preservation of the integrity of the competitive bid system dictates that after competitive bids have been opened, award must be made to that responsible bidder who submitted the lowest responsive bid pursuant to subsections (7) and (9) of this section, unless there is a compelling reason to reject all bids and cancel the solicitation.

(2) Every effort shall be made to anticipate changes in a requirement before the date of opening and to provide reasonable notice to all prospective bidders of any resulting modification or cancellation. If, in the opinion of the purchasing agency, division, or department head, it is not possible to provide reasonable notice, the published date for receipt of bids may be postponed and all known bidders notified. This will permit bidders to change their bids and prevent unnecessary exposure of bid prices. In addition, every effort shall be made to include realistic, achievable requirements in a solicitation.

(3) After the opening of bids, a solicitation may not be canceled and resolicited solely

because of an increase in requirements for the items being acquired. Award may be made on the initial solicitation and an increase in requirements may be treated as a new acquisition.

(4) A solicitation may be canceled and all bids rejected before award but after bid opening only when, consistent with subsection (1) of this section, the purchasing agency, division, or department head determines in writing that:

(a) Unavailable, inadequate, ambiguous specifications, terms, conditions, or requirements were cited in the solicitation;

(b) Specifications, terms, conditions, or requirements have been revised;

(c) The supplies or services being contracted for are no longer required;

(d) The solicitation did not provide for consideration of all factors of cost to the agency;

(e) Bids received indicate that the needs of the agency can be satisfied by a less expensive article differing from that for which the bids were invited;

(f) All otherwise acceptable bids received are at unreasonable prices or only one bid is received and the agency cannot determine the reasonableness of the bid price;

(g) No responsive bid has been received from a responsible bidder; or

(h) The bid process was not fair or equitable.

(5) The agency, division, or department head may not delegate his or her authority under this section.

(6) After the opening of bids, an agency may not reject all bids and enter into direct negotiations to complete the planned acquisition. However, the agency can enter into negotiations exclusively with the lowest responsible bidder in order to determine if the lowest responsible bid may be improved. An agency shall not use this negotiation opportunity to permit a bidder to change a nonresponsive bid into a responsive bid.

(7) In determining the lowest responsible bidder, the agency shall consider any preferences provided by law to Washington products and vendors and to RCW 43.19.704, and further, may take into consideration the quality of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery.

(8) Each bid with the name of the bidder shall be entered of record and each record, with the successful bid indicated, shall, after letting of the contract, be open to public inspection.

(9) In determining "lowest responsible bidder", in addition to price, the following elements shall be given consideration:

(a) The ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(c) Whether the bidder can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the bidder with laws relating to the contract or services;

(f) Such other information as may be secured having a bearing on the decision to award the contract: PROVIDED, That in considering bids for purchase, manufacture, or lease, and in

determining the "lowest responsible bidder," whenever there is reason to believe that applying the "life cycle costing" technique to bid evaluation would result in lowest total cost to the state, first consideration shall be given by state purchasing activities to the bid with the lowest life cycle cost which complies with specifications. "Life cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner. Nothing in this section shall prohibit any state agency, department, board, commission, committee, or other state-level entity from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

[1996 c 69 § 2; 1989 c 431 § 60; 1983 c 183 § 4; 1980 c 172 § 8; 1965 c 8 § 43.19.1911. Prior: 1959 c 178 § 6.]

Notes:

Intent--1996 c 69: "It is the intent of the legislature to preserve the integrity of the competitive bidding system for state contracts. This dictates that, after competitive bids have been opened, the agency must award the contract to the responsible bidder who submitted the lowest responsive bid and that only in limited compelling circumstances may the agency reject all bids and cancel the solicitation. Further, after opening the competitive bids, the agency may not reject all bids and enter into direct negotiations with the bidders to complete the acquisition."
[1996 c 69 § 1.]

Severability--1989 c 431: See RCW 70.95.901.

Energy conservation--Legislative finding--Declaration--Purpose: RCW 43.19.668 and 43.19.669.

RCW 43.19.1913 Rejection of bid for previous unsatisfactory performance.

Applicable Cases

The division of purchasing may reject the bid of any bidder who has failed to perform satisfactorily a previous contract with the state.

[1965 c 8 § 43.19.1913. Prior: 1959 c 178 § 7.]

RCW 43.19.1914 Low bidder claiming error--Prohibition on later bid for same project.

Applicable Cases

A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same purchase or project if a second or subsequent call for bids is made for the project.

[1996 c 18 § 7.]

RCW 43.19.1915 Bidder's bond--Annual bid bond.

Applicable Cases

When any bid has been accepted, the division of purchasing may require of the successful bidder a bond payable to the state in such amount with such surety or sureties as determined by the division of purchasing, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the division of purchasing. Bidders who regularly do business with the state shall be permitted to file

with the division of purchasing an annual bid bond in an amount established by the division and such annual bid bond shall be acceptable as surety in lieu of furnishing surety with individual bids.

[1965 c 8 § 43.19.1915. Prior: 1959 c 178 § 8.]

RCW 43.19.1917 Records of equipment owned by state--Inspection--"State equipment" defined.

Applicable Cases

All state agencies, including educational institutions, shall maintain a perpetual record of ownership of state owned equipment, which shall be available for the inspection and check of those officers who are charged by law with the responsibility for auditing the records and accounts of the state organizations owning the equipment, or to such other special investigators and others as the governor may direct. In addition, these records shall be made available to members of the legislature, the legislative committees, and legislative staff on request.

All state agencies, including educational institutions, shall account to the office of financial management upon request for state equipment owned by, assigned to, or otherwise possessed by them and maintain such records as the office of financial management deems necessary for proper accountability therefor. The office of financial management shall publish a procedural directive for compliance by all state agencies, including educational institutions, which establishes a standard method of maintaining records for state owned equipment, including the use of standard state forms. This published directive also shall include instructions for reporting to the division of purchasing all state equipment which is excess to the needs of state organizations owning such equipment. The term "state equipment" means all items of machines, tools, furniture, or furnishings other than expendable supplies and materials as defined by the office of financial management.

[1979 c 88 § 3; 1975-'76 2nd ex.s. c 21 § 9; 1969 ex.s. c 53 § 2; 1965 c 8 § 43.19.1917. Prior: 1959 c 178 § 9.]

Notes:

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

RCW 43.19.1919 Surplus personal property--Sale, exchange--Authority--Procedure--Restrictions--Exemption.

Applicable Cases

Except as provided in RCW 28A.335.180 and 43.19.1920, the division of purchasing shall sell or exchange personal property belonging to the state for which the agency, office, department, or educational institution having custody thereof has no further use, at public or private sale, and cause the moneys realized from the sale of any such property to be paid into the fund from which such property was purchased or, if such fund no longer exists, into the state general fund: PROVIDED, Sales of capital assets may be made by the division of purchasing and a credit established in central stores for future purchases of capital items as provided for in RCW 43.19.190 through 43.19.1939, as now or hereafter amended: PROVIDED FURTHER, That personal property, excess to a state agency, including educational institutions, shall not be

sold or disposed of prior to reasonable efforts by the division of purchasing to determine if other state agencies have a requirement for such personal property. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known. Surplus items may be disposed of without prior notification to state agencies if it is determined by the director of general administration to be in the best interest of the state. The division of purchasing shall maintain a record of disposed surplus property, including date and method of disposal, identity of any recipient, and approximate value of the property: PROVIDED, FURTHER, That this section shall not apply to personal property acquired by a state organization under federal grants and contracts if in conflict with special title provisions contained in such grants or contracts.

This section does not apply to property under RCW 27.53.045.

[1997 c 264 § 2; (1995 2nd sp.s. c 14 § 513 expired June 30, 1997); 1991 c 216 § 2; 1989 c 144 § 1; 1988 c 124 § 8; 1975-'76 2nd ex.s. c 21 § 11; 1965 c 8 § 43.19.1919. Prior: 1959 c 178 § 10.]

Notes:

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Findings--1991 c 216: "The legislature finds that (1) there are an increasing number of persons who are unable to meet their basic needs relating to shelter, clothing, and nourishment; (2) there are many nonprofit organizations and units of local government that provide shelter and other assistance to these persons but that these organizations are finding it difficult to meet the increasing demand for such assistance; and (3) the numerous agencies and institutions of state government generate a significant quantity of surplus, tangible personal property that would be of great assistance to homeless persons throughout the state. Therefore, the legislature finds that it is in the best interest of the state to provide for the donation of state-owned, surplus, tangible property to assist the homeless in meeting their basic needs." [1991 c 216 § 1.]

Severability--Intent--Application--1988 c 124: See RCW 27.53.901 and notes following RCW 27.53.030.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

RCW 43.19.19190 Surplus property--Exemption for original or historic state capitol furnishings.

Applicable Cases

Original or historic furnishings from the state capitol group under RCW 27.48.040 do not constitute surplus property under this chapter.

[1999 c 343 § 3.]

Notes:

Findings--Purpose--1999 c 343: See note following RCW 27.48.040.

RCW 43.19.19191 Surplus computers and computer-related equipment--Donation to school districts or educational service districts.

Applicable Cases

(1) In addition to disposing of property under RCW 28A.335.180, 39.33.010, 43.19.1919, and 43.19.1920, state-owned, surplus computers and computer-related equipment may be

donated to any school district or educational service district under the guidelines and distribution standards established pursuant to subsection (2) of this section.

(2) By September 1, 1999, the department and office of the superintendent of public instruction shall jointly develop guidelines and distribution standards for the donation of state-owned, surplus computers and computer-related equipment to school districts and educational service districts. The guidelines and distribution standards shall include considerations for quality, school-district needs, and accountability, and shall give priority to meeting the computer-related needs of children with disabilities, including those disabilities necessitating the portability of laptop computers.

[1999 c 186 § 1.]

RCW 43.19.1920 Surplus personal property--Donation to emergency shelters.

Applicable Cases

The division of purchasing may donate state-owned, surplus, tangible personal property to shelters that are: Participants in the department of community, trade, and economic development's emergency shelter assistance program; and operated by nonprofit organizations or units of local government providing emergency or transitional housing for homeless persons. A donation may be made only if all of the following conditions have been met:

(1) The division of purchasing has made reasonable efforts to determine if any state agency has a requirement for such personal property and no such agency has been identified. Such determination shall follow sufficient notice to all state agencies to allow adequate time for them to make their needs known;

(2) The agency owning the property has authorized the division of purchasing to donate the property in accordance with this section;

(3) The nature and quantity of the property in question is directly germane to the needs of the homeless persons served by the shelter and the purpose for which the shelter exists and the shelter agrees to use the property for such needs and purposes; and

(4) The director of general administration has determined that the donation of such property is in the best interest of the state.

[1995 c 399 § 63; 1991 c 216 § 3.]

Notes:

Findings--1991 c 216: See note following RCW 43.19.1919.
Emergency shelter assistance program: Chapter 365-120 WAC.

RCW 43.19.19201 Affordable housing--Inventory of suitable property.

Applicable Cases

(1) The department of general administration shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department of general administration shall provide a copy of

the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department of general administration shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

[1995 c 399 § 64; 1993 c 461 § 7.]

Notes:

Finding--1993 c 461: See note following RCW 43.63A.510.

RCW 43.19.1921 Central stores warehouse facilities--Central maintenance, repair--Sales, exchanges, between state agencies.

Applicable Cases

The director of general administration, through the division of purchasing, shall:

(1) Establish and maintain warehouses hereinafter referred to as "central stores" for the centralized storage and distribution of such supplies, equipment, and other items of common use in order to effect economies in the purchase of supplies and equipment for state agencies. To provide central stores warehouse facilities the division of purchasing may, by arrangement with the state agencies, utilize any surplus available state owned space, and may acquire other needed warehouse facilities by lease or purchase of the necessary premises;

(2) Provide for the central salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies, and also by means of such a service provide an equipment pool for effecting sales and exchanges of surplus and unused property by and between state agencies. Funds derived from the sale and exchange of property shall be placed to the account of the appropriate state agency on the central stores accounts but such funds may not be expended through central stores without prior approval of the office of financial management.

[1979 c 151 § 100; 1965 c 8 § 43.19.1921. Prior: 1959 c 178 § 11.]

RCW 43.19.1923 General administration services account--Use.

Applicable Cases

The general administration services account shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. Disbursements from the account for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other state purchasing activities within the general administration services account are not subject to appropriation. The account shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the general

administration services account shall be treated as separate operating entities for financial and accounting control. Financial records involving the general administration services account shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the account.

[1998 c 105 § 6; 1991 sp.s. c 16 § 921; 1987 c 504 § 17; 1975-'76 2nd ex.s. c 21 § 12; 1967 ex.s. c 104 § 5; 1965 c 8 § 43.19.1923. Prior: 1959 c 178 § 12.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Severability--1991 sp.s. c 16: See notes following RCW 9.46.100.

Severability--Effective date--1987 c 504: See RCW 43.105.901 and 43.105.902.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

RCW 43.19.1925 Combined purchases of commonly used items--Advance payments by state agencies--Costs of operating central stores.

Applicable Cases

To supply such funds as may be necessary for making combined purchases of items or services of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the general administration services account from funds regularly appropriated to them for the procurement of supplies, equipment, and services: PROVIDED, That advance payment for services shall be on a quarterly basis: PROVIDED FURTHER, That any person, firm or corporation other than central stores rendering services for which advance payments are made shall deposit cash or furnish surety bond coverage to the state in an amount as shall be fixed by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies, equipment, and services as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores.

[1998 c 105 § 7; 1975 c 40 § 8; 1973 c 104 § 2; 1965 c 8 § 43.19.1925. Prior: 1959 c 178 § 13.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

RCW 43.19.1932 Correctional industries goods and services--Sales and purchases.

Applicable Cases

The department of corrections shall be exempt from the following provisions of this chapter in respect to goods or services purchased or sold pursuant to the operation of correctional

industries: RCW 43.19.180, 43.19.190, 43.19.1901, 43.19.1905, 43.19.1906, 43.19.1908, 43.19.1911, 43.19.1913, 43.19.1915, 43.19.1917, 43.19.1919, 43.19.1921, 43.19.1925, and 43.19.200.

[1989 c 185 § 2; 1981 c 136 § 14.]

Notes:

Effective date--1981 c 136: See RCW 72.09.900.

RCW 43.19.1935 Insurance and bonds--Procurement through risk management office.

Applicable Cases

As a means of providing for the procurement of insurance and bonds on a volume rate basis, the director of general administration through the risk management office shall purchase or contract for the needs of state agencies in relation to all such insurance and bonds: PROVIDED, That authority to purchase insurance may be delegated to state agencies. Insurance in force shall be reported to the risk management office periodically under rules established by the director. Nothing contained in this section shall prohibit the use of licensed agents or brokers for the procurement and service of insurance.

The amounts of insurance or bond coverage shall be as fixed by law, or if not fixed by law, such amounts shall be as fixed by the director of the department of general administration.

The premium cost for insurance acquired and bonds furnished shall be paid from appropriations or other appropriate resources available to the state agency or agencies for which procurement is made, and all vouchers drawn in payment therefor shall bear the written approval of the risk management office prior to the issuance of the warrant in payment therefor. Where deemed advisable the premium cost for insurance and bonds may be paid by the general administration services account which shall be reimbursed by the agency or agencies for which procurement is made.

[1998 c 105 § 8; 1985 c 188 § 1; 1977 ex.s. c 270 § 6; 1975 c 40 § 9; 1965 c 8 § 43.19.1935. Prior: 1959 c 178 § 18.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

RCW 43.19.1936 Purchase of insurance for municipalities--Request--Procurement through risk management office.

Applicable Cases

The director of general administration, through the risk management office, may purchase, or contract for the purchase of, property and liability insurance for any municipality upon request of the municipality.

As used in this section, "municipality" means any city, town, county, special purpose district, municipal corporation, or political subdivision of the state of Washington.

[1985 c 188 § 5.]

RCW 43.19.19361 Risk management--State program of--Principles.

Applicable Cases

It is the policy of the state for the management of risks to which it is exposed to apply the following principles consistently in a state program of risk management:

(1) To identify those liability and property risks which may have a significant economic impact on the state;

(2) To evaluate risk in terms of the state's ability to fund potential loss rather than the ability of an individual agency to fund potential loss;

(3) To eliminate or improve conditions and practices which contribute to loss whenever practical;

(4) To assume risks to the maximum extent practical;

(5) To provide flexibility within the state program to meet the unique requirements of any state agency for insurance coverage or service;

(6) To purchase commercial insurance:

(a) When the size and nature of the potential loss make it in the best interest of the state to purchase commercial insurance; or

(b) When the fiduciary of encumbered property insists on commercial insurance; or

(c) When the interest protected is not a state interest and an insurance company is desirable as an intermediary; or

(d) When services provided by an insurance company are considered necessary; or

(e) When services or coverages provided by an insurance company are cost-effective; or

(f) When otherwise required by statute; and

(7) To develop plans for the management and protection of the revenues and assets of the state.

[1985 c 188 § 2; 1977 ex.s. c 270 § 1.]

Notes:

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

RCW 43.19.19362 Risk management--Office created--Powers and duties.

Applicable Cases

There is hereby created a risk management office within the department of general administration. The director of general administration shall implement the risk management policy in RCW 43.19.19361 through the risk management office. The director of general administration shall appoint a risk manager to supervise the risk management office. The risk management office shall make recommendations when appropriate to state agencies on the application of prudent safety, security, loss prevention, and loss minimization methods so as to reduce or avoid risk or loss.

[1998 c 245 § 55; 1987 c 505 § 25; 1985 c 188 § 3; 1977 ex.s. c 270 § 2.]

Notes:

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

RCW 43.19.19363 Risk management--Definitions applicable to RCW 43.19.19361 and 43.19.19362.

Applicable Cases

As used in RCW 43.19.19361 and 43.19.19362:

(1) "State agency" includes any state office, agency, commission, department, or institution, including colleges, universities, and community colleges, financed in whole or part from funds appropriated by the legislature; and

(2) "Risk management" means the total effort and continuous step by step process of risk identification, measurement, minimization, assumption, transfer, and loss adjustment which is aimed at protecting assets and revenues against accidental loss.

[1977 ex.s. c 270 § 3.]

Notes:

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

RCW 43.19.19364 Construction--1977 ex.s. c 270.

Applicable Cases

Nothing in *this 1977 amendatory act shall be construed as amending, repealing, or otherwise affecting RCW 28B.20.250 through 28B.20.255.

[1977 ex.s. c 270 § 9.]

Notes:

***Reviser's note:** "This 1977 amendatory act" consists of the enactment of RCW 43.19.19361, 43.19.19362, 43.19.19363, 43.19.19364, and 43.19.19365; the 1977 amendments to RCW 43.17.100, 43.19.030, 43.19.190, 43.19.1906, and 43.19.1935; and the repeal of RCW 75.08.023.

RCW 43.19.19367 Risk management office--Enforcement of bonds under RCW 39.59.010.

Applicable Cases

The director of general administration, through the risk management office, shall receive and enforce bonds posted pursuant to RCW 39.59.010 (3) and (4).

[1988 c 281 § 6.]

Notes:

Severability--1988 c 281: See RCW 39.59.900.

RCW 43.19.19368 Risk management--Safety and loss control program established.

Applicable Cases

(1) The office of risk management shall establish a coordinated safety and loss control program to reduce liability exposure, safeguard state assets, and reduce costs associated with

state liability and property losses.

(2) State agencies shall provide top management support and commitment to safety and loss control, and develop awareness through education, training, and information sharing.

(3) The office of risk management shall develop and maintain centralized loss history information for the purpose of identifying and analyzing risk exposures. Loss history information shall be privileged and confidential and reported only to appropriate agencies.

(4) The office of risk management shall develop methods of statistically monitoring agency and state-wide effectiveness in controlling losses.

(5) The office of risk management will routinely review agency loss control programs as appropriate to suggest improvements, and observe and recognize successful safety policies and procedures.

(6) The office of risk management shall provide direct assistance to smaller state agencies in technical aspects of proper safety and loss control procedures, upon request.

[1989 c 419 § 6.]

Notes:

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

RCW 43.19.19369 Risk management--Liability account--Actuarial studies.

Applicable Cases

The department of general administration shall conduct periodic actuarial studies to determine the amount of money needed to adequately fund the liability account.

[1989 c 419 § 11.]

Notes:

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Liability account created: RCW 4.92.130.

RCW 43.19.1937 Acceptance of benefits, gifts, etc., prohibited--Penalties.

Applicable Cases

No state employee whose duties performed for the state include:

(1) Advising on or drawing specifications for supplies, equipment, commodities, or services;

(2) Suggesting or determining vendors to be placed upon a bid list;

(3) Drawing requisitions for supplies, equipment, commodities, or services;

(4) Evaluating specifications or bids and suggesting or determining awards; or

(5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts;

shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of

position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

[1995 c 269 § 1405; 1975-'76 2nd ex.s. c 21 § 13; 1965 c 8 § 43.19.1937. Prior: 1959 c 178 § 19.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Severability--1975-'76 2nd ex.s. c 21: See note following RCW 43.19.180.

Public officers

code of ethics: Chapters 42.23 and 42.52 RCW.

misconduct: Chapter 42.20 RCW.

RCW 43.19.1939 Unlawful to offer, give, accept, benefits as inducement for or to refrain from bidding--Penalty.

Applicable Cases

When any competitive bid or bids are to be or have been solicited, requested, or advertised for by the state under the provisions of RCW 43.19.190 through 43.19.1939, it shall be unlawful for any person acting for himself, or as agent of another, to offer, give, or promise to give, any money, check, draft, property, or other thing of value, to another for the purpose of inducing such other person to refrain from submitting any bids upon such purchase or to enter into any agreement, understanding or arrangement whereby full and unrestricted competition for the securing of such public work will be suppressed, prevented, or eliminated; and it shall be unlawful for any person to solicit, accept or receive any money, check, draft, property, or other thing of value upon a promise or understanding, express or implied, that he individually or as an agent or officer of another will refrain from bidding upon such contract, or that he will on behalf of himself or such others submit or permit another to submit for him any bid upon such purchase in such sum as to eliminate full and unrestricted competition thereon. Any person violating any provision of this section shall be guilty of a misdemeanor.

[1965 c 8 § 43.19.1939. Prior: 1959 c 178 § 20.]

Notes:

Competitive bidding on public works, suppression or collusion, penalty: RCW 9.18.120 through 9.18.150.

RCW 43.19.200 Duty of others in relation to purchases--Emergency purchases--Written notifications.

Applicable Cases

(1) The governing authorities of the state's educational institutions, the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and all appointive officers of the state, shall prepare estimates of the supplies required for the proper conduct and maintenance of their respective institutions, offices, and departments, covering periods to be fixed by the director, and forward them to the director in

accordance with his directions. No such authorities, officers, or departments, or any officer or employee thereof, may purchase any article for the use of their institutions, offices, or departments, except in case of emergency purchases as provided in subsection (2) of this section.

(2) The authorities, officers, and departments enumerated in subsection (1) of this section may make emergency purchases in response to unforeseen circumstances beyond the control of the agency which present a real, immediate, and extreme threat to the proper performance of essential functions or which may reasonably be expected to result in excessive loss or damage to property, bodily injury, or loss of life. When an emergency purchase is made, the agency head shall submit written notification of the purchase, within three days of the purchase, to the director of general administration. This notification shall contain a description of the purchase, description of the emergency and the circumstances leading up to the emergency, and an explanation of why the circumstances required an emergency purchase.

(3) Purchases made for the state's educational institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of the state government, and the offices of all appointive officers of the state, shall be paid for out of the moneys appropriated for supplies, material, and service of the respective institutions, offices, and departments.

(4) The director of general administration shall submit, on an annual basis, the written notifications required by subsection (2) of this section to the director of financial management.

[1986 c 158 § 10; 1984 c 102 § 2; 1971 c 81 § 111; 1965 c 8 § 43.19.200. Prior: 1955 c 285 § 13; prior: 1921 c 7 § 37, part; RRS § 10795, part.]

Notes:

Findings--1984 c 102: "The legislature finds that the emergency purchasing provisions of state law are being more liberally construed than the legislature originally intended. Therefore, the legislature finds that it is necessary to clarify the law as it pertains to emergency purchases and to provide a mechanism for legislative oversight." [1984 c 102 § 1.]

RCW 43.19.450 Supervisor of engineering and architecture--Qualifications--Appointment--Powers and duties--Delegation of authority.

Applicable Cases

The director of general administration shall appoint and deputize an assistant director to be known as the supervisor of engineering and architecture who shall have charge and supervision of the division of engineering and architecture. With the approval of the director, the supervisor may appoint and employ such assistants and personnel as may be necessary to carry out the work of the division.

No person shall be eligible for appointment as supervisor of engineering and architecture unless he or she is licensed to practice the profession of engineering or the profession of architecture in the state of Washington and for the last five years prior to his or her appointment has been licensed to practice the profession of engineering or the profession of architecture.

As used in this section, "state facilities" includes all state buildings, related structures, and appurtenances constructed for any elected state officials, institutions, departments, boards,

commissions, colleges, community colleges, except the state universities, The Evergreen State College and regional universities. "State facilities" does not include facilities owned by or used for operational purposes and constructed for the department of transportation, department of fish and wildlife, department of natural resources, or state parks and recreation commission.

The director of general administration, through the division of engineering and architecture shall:

(1) Prepare cost estimates and technical information to accompany the capital budget and prepare or contract for plans and specifications for new construction and major repairs and alterations to state facilities.

(2) Contract for professional architectural, engineering, and related services for the design of new state facilities and major repair or alterations to existing state facilities.

(3) Provide contract administration for new construction and the repair and alteration of existing state facilities.

(4) In accordance with the public works laws, contract on behalf of the state for the new construction and major repair or alteration of state facilities.

The director may delegate any and all of the functions under subsections (1) through (4) of this section to any agency upon such terms and conditions as considered advisable.

The director may delegate the authority granted to the department under RCW 39.04.150 to any agency upon such terms as considered advisable.

[1994 c 264 § 15; 1988 c 36 § 14; 1982 c 98 § 3; 1981 c 136 § 63; 1979 c 141 § 45; 1965 c 8 § 43.19.450. Prior: 1959 c 301 § 4.]

Notes:

Effective date--1981 c 136: See RCW 72.09.900.

Department of general administration authorized to establish small works roster of public works contractors: RCW 39.04.150.

RCW 43.19.455 Purchase of works of art--Procedure.

Applicable Cases

Except as provided under RCW 43.17.210, the Washington state arts commission shall determine the amount to be made available for the purchase of art under RCW 43.17.200 in consultation with the director of general administration, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts commission in consultation with the director of general administration. However, the costs to carry out the Washington state arts commission's responsibility for maintenance shall not be funded from the moneys referred to under this section, RCW 43.17.200, 28A.335.210, or 28B.10.025, but shall be contingent upon adequate appropriations being made for that purpose.

[1990 c 33 § 576; 1983 c 204 § 6; 1974 ex.s. c 176 § 3.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Severability--1983 c 204: See note following RCW 43.46.090.

Acquisition of works of art for public buildings and lands--Visual arts program established: RCW 43.46.090.

Allocation of moneys for acquisition of works of art--Expenditure by arts commission--Conditions: RCW 43.17.200.

State art collection: RCW 43.46.095.

RCW 43.19.500 General administration services account--Use.

Applicable Cases

The general administration services account shall be used by the department of general administration for the payment of certain costs, expenses, and charges, as specified in this section, incurred by it in the operation and administration of the department in the rendering of services, the furnishing or supplying of equipment, supplies and materials, and for providing or allocating facilities, including the operation, maintenance, rehabilitation, or furnishings thereof to other agencies, offices, departments, activities, and other entities enumerated in RCW 43.01.090 and including the rendering of services in acquiring real estate under RCW 43.82.010 and the operation and maintenance of nonassigned public spaces in Thurston county. The department shall treat the rendering of services in acquiring real estate and the operation and maintenance of nonassigned public spaces as separate operating entities within the account for financial accounting and control.

The schedule of services, facilities, equipment, supplies, materials, maintenance, rehabilitation, furnishings, operations, and administration to be so financed and recovered shall be determined jointly by the director of general administration and the director of financial management, in equitable amounts which, together with any other income or appropriation, will provide the department of general administration with funds to meet its anticipated expenditures during any allotment period.

The director of general administration may adopt rules governing the provisions of RCW 43.01.090 and this section and the relationships and procedures between the department of general administration and such other entities.

[1998 c 105 § 9; 1994 c 219 § 17; 1982 c 41 § 2; 1979 c 151 § 101; 1971 ex.s. c 159 § 2.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Findings--Purpose--1994 c 219: See note following RCW 43.01.090.

Finding--1994 c 219: See note following RCW 43.88.030.

Effective dates--1982 c 41: See note following RCW 43.82.010.

Agricultural commodity commissions exempt: RCW 15.04.200.

General administration services account--Approval of certain changes required: RCW 43.88.350.

RCW 43.19.501 Thurston county capital facilities account.

Applicable Cases

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county.

[1994 c 219 § 18.]

Notes:

Findings--Purpose--1994 c 219: See note following RCW 43.01.090.

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.19.520 Purchase of products and services from sheltered workshops and programs--Intent.

Applicable Cases

It is the intent of the legislature to encourage state agencies and departments to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services which operate facilities serving the handicapped and disadvantaged.

[1974 ex.s. c 40 § 1.]

RCW 43.19.525 Purchase of products and services from sheltered workshops and programs--Definitions.

Applicable Cases

As used in RCW 43.19.520 and 43.19.530 the term "sheltered workshops" shall have the meaning ascribed to it by RCW 82.04.385 and "programs of the department of social and health services" shall mean the group training homes and day training centers defined in *RCW 72.33.800.

[1974 ex.s. c 40 § 2.]

Notes:

***Reviser's note:** RCW 72.33.800 was repealed by 1988 c 176 § 1007. See Title 71A RCW.

RCW 43.19.530 Purchase of products and services from sheltered workshops and programs--Authorized--Fair market price.

Applicable Cases

The state agencies and departments are hereby authorized to purchase products and/or services manufactured or provided by sheltered workshops and programs of the department of social and health services. Such purchases shall be at the fair market price of such products and services as determined by the division of purchasing of the department of general administration. To determine the fair market price the division shall use the last comparable bid on the products and/or services or in the alternative the last price paid for the products and/or services. The increased cost of labor, materials, and other documented costs since the last comparable bid or the last price paid are additional cost factors which shall be considered in determining fair market price. Upon the establishment of the fair market price as provided for in this section the division is hereby empowered to negotiate directly with sheltered workshops or officials in charge of the programs of the department of social and health services for the purchase of the products or

services.

[1977 ex.s. c 10 § 2; 1974 ex.s. c 40 § 3.]

RCW 43.19.534 Purchase of articles or products from inmate work programs--Replacement of goods and services obtained from outside the state--Rules.

Applicable Cases

State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in (1), (2), and (3) of this section for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section.

[1993 sp.s. c 20 § 1; 1986 c 94 § 2.]

Notes:

Severability--1993 sp.s. c 20: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 sp.s. c 20 § 9.]

RCW 43.19.535 Purchase of goods and services from inmate work programs.

Applicable Cases

Any person, firm, or organization which makes any bid to provide any goods or any services to any state agency shall be granted a preference over other bidders if (1) the goods or services have been or will be produced or provided in whole or in part by an inmate work program of the department of corrections and (2) an amount equal to at least fifteen percent of the total bid amount has been paid or will be paid by the person, firm, or organization to inmates as wages. The preference provided under this section shall be equal to ten percent of the total bid amount.

[1981 c 136 § 15.]

Notes:

Effective date--1981 c 136: See RCW 72.09.900.

RCW 43.19.536 Contracts subject to requirements established under office of minority and women's business enterprises.

Applicable Cases

All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

[1983 c 120 § 13.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

RCW 43.19.538 Purchase of products containing recycled material--Preference--Specifications and rules--Review.

Applicable Cases

(1) The director of general administration, through the state purchasing director, shall develop specifications and adopt rules for the purchase of products which will provide for preferential purchase of products containing recycled material by:

(a) The use of a weighting factor determined by the amount of recycled material in a product, where appropriate and known in advance to potential bidders, to determine the lowest responsible bidder. The actual dollars bid shall be the contracted amount. If the department determines, according to criteria established by rule that the use of this weighting factor does not encourage the use of more recycled material, the department shall consider and award bids without regard to the weighting factor. In making this determination, the department shall consider but not be limited to such factors as adequate competition, economics or environmental constraints, quality, and availability.

(b) Requiring a written statement of the percentage range of recycled content from the bidder providing products containing recycled [material]. The range may be stated in five percent increments.

(2) The director shall develop a directory of businesses that supply products containing significant quantities of recycled materials. This directory may be combined with and made accessible through the data base of recycled content products to be developed under RCW 43.19A.060.

(3) The director shall encourage all parties using the state purchasing office to purchase products containing recycled materials.

(4) The rules, specifications, and bid evaluation shall be consistent with recycled content standards adopted under RCW 43.19A.020.

[1991 c 297 § 5; 1988 c 175 § 2; 1987 c 505 § 26; 1982 c 61 § 2.]

Notes:

Captions not law--1991 c 297: See RCW 43.19A.900.

Effective date--1988 c 175: "This act shall take effect July 1, 1988." [1988 c 175 § 4.]

Recycled product procurement: Chapter 43.19A RCW.

State purchasing and material control director: RCW 43.19.180.

RCW 43.19.540 Bonds of state officers and employees--Fixing amount--Additional

bonds--Exemptions--Duties of director.

Applicable Cases

In addition to other powers and duties prescribed by this chapter, the director shall:

(1) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(2) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in his judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(3) Exempt subordinate employees from giving bond when in his judgment their powers and duties are such as not to require a bond.

[1975 c 40 § 13.]

RCW 43.19.558 Motor vehicle management programs--Costs.

Applicable Cases

Notes:

Reviser's note: RCW 43.19.558 was amended by 1998 c 105 § 10 without reference to its repeal by 1998 c 111 § 1. It has been decodified for publication purposes under RCW 1.12.025.

RCW 43.19.560 Motor vehicle transportation service--Definitions.

Applicable Cases

As used in RCW 43.19.565 through 43.19.635, 43.41.130 and 43.41.140, the following definitions shall apply:

(1) "Passenger motor vehicle" means any sedan, station wagon, bus, or light truck which is designed for carrying ten passengers or less and is used primarily for the transportation of persons;

(2) "State agency" shall include any state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature. It shall also include the Washington state school director's association and the state printer, but it shall not include (a) the state supreme court or any agency of the judicial branch or (b) the legislature or any of its statutory, standing, special, or interim committees, other than at the option of the judicial or legislative agency or committee concerned;

(3) "Employee commuting" shall mean travel by a state officer or employee to or from his or her official residence or other domicile to or from his or her official duty station or other place of work;

(4) "Motor vehicle transportation services" shall include but not be limited to the furnishing of motor vehicles for the transportation of persons or property, with or without drivers, and may also include furnishing of maintenance, storage, and other support services to state agencies for the conduct of official state business.

[1983 c 187 § 3; 1975 1st ex.s. c 167 § 2.]

Notes:

Effective date--1983 c 187: See RCW 28A.345.902.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

Power to appoint or employ personnel does not include power to provide state owned or leased vehicle: RCW 43.01.150.

RCW 43.19.565 Motor vehicle transportation service--Powers and duties.

Applicable Cases

The department of general administration shall establish a motor vehicle transportation service which is hereby empowered to:

(1) Provide suitable motor vehicle transportation services to any state agency on either a temporary or permanent basis upon requisition from a state agency and upon such demonstration of need as the department may require;

(2) Provide motor pools for the use of state agencies located in the Olympia and Seattle areas and such additional motor pools at other locations in the state as may be necessary to provide economic, efficient, and effective motor vehicle transportation services to state agencies. Such additional motor pools may be under either the direct control of the department or under the supervision of another state agency by agreement with the department;

(3) Establish an equitable schedule of rental and mileage charges to agencies for motor vehicle transportation services furnished which shall be designed to provide funds to cover replacement of vehicles and to recover the actual total costs of motor pool operations including but not limited to vehicle operation expense, depreciation expense, overhead, and nonrecoverable collision or other damage to vehicles. Additions to capital such as the purchase of additional vehicles shall be budgeted and purchased from funds appropriated for such purposes under such procedures as may be provided by law; and

(4) Establish guidelines, procedures, and standards for fleet operations that other state agencies and institutions of higher education may adopt. The guidelines, procedures, and standards shall be consistent with and carry out the objectives of any general policies adopted by the office of financial management under RCW 43.41.130.

[1998 c 111 § 3; 1975 1st ex.s. c 167 § 3.]

Notes:

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.570 Motor vehicle transportation service--Responsibilities--Agreements with other agencies--Alternative fuels.

Applicable Cases

(1) The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair, and replacement of state motor vehicles under its control. The department shall utilize state facilities available for the maintenance, repair, and storage of such motor vehicles, and may provide directly or by contract for the maintenance, repair, and servicing of all motor vehicles, and other property related thereto and under its control.

(2) The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair, or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. The department may acquire and maintain storage, repair, and maintenance facilities for the motor vehicles under its control from such funds as may be appropriated by the legislature.

(3)(a) The legislature finds that a clean environment is important and that global warming effects may be offset by decreasing the emissions of harmful compounds from motor vehicles. The legislature further finds that the state is in a position to set an example of large scale use of alternative fuels in motor vehicles.

(b) The department shall consider the use of state vehicles to conduct field tests on alternative fuels in areas where air pollution constraints may be eased by these optional fuels. These fuels should include but are not limited to gas-powered and electric-powered vehicles.

(c) For planned purchases of vehicles using alternative fuels, the department and other state agencies shall explore opportunities to purchase these vehicles together with the federal government, agencies of other states, other Washington state agencies, local governments, or private organizations for less cost.

[1989 c 113 § 1; 1982 c 163 § 11; 1975 1st ex.s. c 167 § 4.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

Alternative fuels: RCW 43.41.130.

RCW 43.19.575 Passenger motor vehicles owned or operated by state agencies--Duty of the office of financial management to establish policies as to acquisition, operation, authorized use, etc.

Applicable Cases

See RCW 43.41.130.

RCW 43.19.585 Motor vehicle transportation service--Supervisor of motor transport--Powers and duties.

Applicable Cases

The director of general administration shall appoint a supervisor of motor transport, who shall have general charge and supervision of state motor pools and motor vehicle transportation services under departmental administration and control. The appointment of all personnel, except the supervisor, shall be made pursuant to chapter 41.06 RCW, the state civil service law, as now or hereafter amended.

With the approval of the director, the supervisor shall (1) appoint and employ such assistants and personnel as may be necessary, (2) acquire by purchase or otherwise a sufficient number of motor vehicles to fulfill state agency needs for motor vehicle transportation service, (3) provide for necessary storage, upkeep, and repair, and (4) provide for servicing motor pool vehicles with fuel, lubricants, and other operating requirements.

[1975 1st ex.s. c 167 § 7.]

Notes:

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.590 Motor vehicle transportation service--Transfer of employees--Retention of employment rights.

Applicable Cases

All employees of any state agency who are employed exclusively or principally in performing the powers, duties, and functions transferred pursuant to RCW 43.19.595 through 43.19.610 to the department of general administration shall, upon such transfer to employment with the department of general administration, continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law, as now or hereafter amended, and shall automatically retain their permanent or probationary status together with all rights, privileges, and immunities attaching thereto.

[1975 1st ex.s. c 167 § 8.]

Notes:

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.595 Motor vehicle transportation service--Transfer of motor vehicles, property, etc., from motor pool to department.

Applicable Cases

All passenger motor vehicles, property, facilities, equipment, credits, funds, and all other assets and obligations of the automobile pool and pertaining to passenger motor vehicles currently operated by the department of highways and funded by that portion of the highway equipment fund known as "District No. 8 (Motor Pool)" shall be transferred to the department of general administration on July 1, 1975. The director of general administration may accept such property prior thereto if he deems it expedient to accomplish an orderly transition.

[1975 1st ex.s. c 167 § 9.]

Notes:

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.600 Motor vehicle transportation service--Transfer of passenger motor vehicles to department from other agencies--Studies.

Applicable Cases

(1) On or after July 1, 1975, any passenger motor vehicles currently owned or hereafter acquired by any state agency, except vehicles acquired from federal granted funds and over which the federal government retains jurisdiction and control, may be purchased by or transferred to the department of general administration with the consent of the state agency concerned. The director of general administration may accept vehicles subject to the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 prior to July 1, 1975, if he deems it

expedient to accomplish an orderly transition.

(2) The department, in cooperation with the office of financial management, shall study and ascertain current and prospective needs of state agencies for passenger motor vehicles and shall recommend transfer to a state motor pool or other appropriate disposition of any vehicle found not to be required by a state agency.

(3) The department shall direct the transfer of passenger motor vehicles from a state agency to a state motor pool or other disposition as appropriate, based on a study under subsection (2) of this section, or after a public hearing held by the department, if a finding is made based on testimony and data therein submitted that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition of passenger motor vehicles. Any dispute over the accuracy of testimony and data submitted as to the benefits in state governmental economy, efficiency, and effectiveness to be gained by such transfer shall be resolved by the governor or the governor's designee.

[1982 c 163 § 12; 1979 c 151 § 102; 1975 1st ex.s. c 167 § 10.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.605 Motor vehicle transportation service--Reimbursement for property transferred--Credits--Accounting--Disputes.

Applicable Cases

No cash reimbursement shall be made to agencies for property transferred under RCW 43.19.600 to the extent that such property was originally acquired without cost or was purchased from general fund appropriations. The value of such property shall be entered upon the accounts of the general administration services account as an amount due the agency from which the vehicle was transferred. For such property purchased from dedicated, revolving, or trust funds, the value at the time of transfer shall also be entered upon the accounts of the general administration services account as an amount due the agency and fund from which the vehicle transferred was purchased and maintained. If surplus funds associated with motor vehicle transportation services are available in the general administration services account, the agency may be paid all or part of the amount due to the dedicated, revolving, or trust fund concerned. Otherwise, the credit for the amount due shall be applied proportionately over the remaining undepreciated life of such property. The prorated credits shall be applied monthly by the director of general administration against any monthly or other charges for motor vehicle transportation services rendered the agency.

To the extent surplus funds associated with motor vehicle transportation services are available in the general administration services account, the director of general administration may direct a cash reimbursement to a dedicated, revolving, or trust fund where an amount due such a fund will not be charged off to services rendered by the department of general administration within a reasonable time.

Any disagreement between the supervisor of motor transport and an agency as to the

amount of reimbursement to which it may be entitled shall be resolved by the director of general administration.

[1998 c 105 § 11; 1989 c 57 § 6; 1975 1st ex.s. c 167 § 11.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Effective date--1989 c 57: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989." [1989 c 57 § 11.]

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.610 General administration services account--Sources--Disbursements.

Applicable Cases

All moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law shall be paid into the general administration services account. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or a duly authorized representative and as may be provided by law.

[1998 c 105 § 12; 1991 sp.s. c 13 § 35; 1986 c 312 § 902. Prior: 1985 c 405 § 507; 1985 c 57 § 28; 1975 1st ex.s. c 167 § 12.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Severability--1986 c 312: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 312 § 905.]

Severability--1985 c 405: See note following RCW 9.46.100.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.615 Motor vehicle transportation service--Deposits--Disbursements.

Applicable Cases

The director of general administration shall deposit in the general administration services account all receipts, including the initial transfer of automobile pool capital from the highway equipment fund and any other funds transferred, rentals or other fees and charges for transportation services furnished, proceeds from the sale of surplus or replaced property under the control of the supervisor of motor transport and other income, and from which shall be paid operating costs, including salaries and wages, administrative expense, overhead, the cost of replacement vehicles, additional passenger vehicles authorized pursuant to RCW 43.19.565, and any other expenses. If it is necessary at any time for the department to request any appropriation from the general fund or various dedicated, revolving, or trust funds to purchase additional vehicles, any appropriation therefor may provide that such advance shall be repaid together with reasonable interest from surpluses of the general administration services account.

[1998 c 105 § 13; 1975 1st ex.s. c 167 § 13.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.620 Motor vehicle transportation service--Rules and regulations.

Applicable Cases

The director of general administration, through the supervisor of motor transport, shall adopt, promulgate, and enforce such regulations as may be deemed necessary to accomplish the purpose of RCW 43.19.560 through 43.19.630, 43.41.130, and 43.41.140. Such regulations, in addition to other matters, shall provide authority for any agency director or his delegate to approve the use on official state business of personally owned or commercially owned rental passenger motor vehicles. Before such an authorization is made, it must first be reasonably determined that state owned passenger vehicles or other suitable transportation is not available at the time or location required or that the use of such other transportation would not be conducive to the economical, efficient, and effective conduct of business.

Such regulations shall be consistent with and shall carry out the objectives of the general policies and guidelines adopted by the office of financial management pursuant to RCW 43.41.130.

[1989 c 57 § 7; 1979 c 151 § 103; 1975 1st ex.s. c 167 § 14.]

Notes:

Effective date--1989 c 57: See note following RCW 43.19.605.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.625 Employee commuting in state owned or leased vehicle--Policies and regulations.

Applicable Cases

See RCW 43.41.140.

RCW 43.19.630 Motor vehicle transportation service--Use of personal motor vehicle.

Applicable Cases

RCW 43.19.560 through 43.19.620, 43.41.130, and 43.41.140 shall not be construed to prohibit a state officer or employee from using his personal motor vehicle on state business and being reimbursed therefor, where permitted under state travel policies, rules, and regulations promulgated by the office of financial management, and where such use is in the interest of economic, efficient, and effective management and performance of official state business.

[1989 c 57 § 8; 1979 c 151 § 104; 1975 1st ex.s. c 167 § 16.]

Notes:

Effective date--1989 c 57: See note following RCW 43.19.605.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.635 Motor vehicle transportation service--Unauthorized use of state vehicles--Procedure--Disciplinary action.

Applicable Cases

(1) The governor, acting through the department of general administration and any other appropriate agency or agencies as he may direct, is empowered to utilize all reasonable means for detecting the unauthorized use of state owned motor vehicles, including the execution of agreements with the state patrol for compliance enforcement. Whenever such illegal use is discovered which involves a state employee, the employing agency shall proceed as provided by law to establish the amount, extent, and dollar value of any such use, including an opportunity for notice and hearing for the employee involved. When such illegal use is so established, the agency shall assess its full cost of any mileage illegally used and shall recover such amounts by deductions from salary or allowances due to be paid to the offending official or employee by other means. Recovery of costs by the state under this subsection shall not preclude disciplinary or other action by the appropriate appointing authority or employing agency under subsection (2) of this section.

(2) Any wilful and knowing violation of any provision of RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 shall subject the state official or employee committing such violation to disciplinary action by the appropriate appointing or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay, or termination of employment in the case of repeated violations.

(3) Any casual or inadvertent violation of RCW 43.19.560 through 43.19.620, 43.41.130 and 43.41.140 may subject the state official or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but need not be limited to, suspension without pay.

[1975 1st ex.s. c 167 § 17.]

Notes:

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.19.637 Clean-fuel vehicles--Purchasing requirements.

Applicable Cases

(1) At least thirty percent of all new vehicles purchased through a state contract shall be clean-fuel vehicles.

(2) The percentage of clean-fuel vehicles purchased through a state contract shall increase at the rate of five percent each year.

(3) In meeting the procurement requirement established in this section, preference shall be given to vehicles designed to operate exclusively on clean fuels. In the event that vehicles designed to operate exclusively on clean fuels are not available or would not meet the operational requirements for which a vehicle is to be procured, conventionally powered vehicles may be converted to clean fuel or dual fuel use to meet the requirements of this section.

(4) Fuel purchased through a state contract shall be a clean fuel when the fuel is

purchased for the operation of a clean-fuel vehicle.

(5)(a) Weight classes are established by the following motor vehicle types:

(i) Passenger cars;

(ii) Light duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of less than eight thousand five hundred pounds;

(iii) Heavy duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of eight thousand five hundred pounds or more.

(b) This subsection does not place an obligation upon the state or its political subdivisions to purchase vehicles in any number or weight class other than to meet the percent procurement requirement.

(6) For the purposes of this section, "clean fuels" and "clean-fuel vehicles" shall be those fuels and vehicles meeting the specifications provided for in RCW 70.120.210.

[1991 c 199 § 213.]

Notes:

Finding--1991 c 199: See note following RCW 70.94.011.

Effective dates--Severability--Captions not law--1991 c 199: See RCW 70.94.904 through 70.94.906.

RCW 43.19.668 Energy conservation--Legislative finding--Declaration.

Applicable Cases

The legislature finds and declares that the buildings, facilities, equipment, and vehicles owned or leased by state government consume significant amounts of energy and that energy conservation actions to provide for efficient energy use in these buildings, facilities, equipment, and vehicles will reduce the costs of state government. In order for the operations of state government to provide the citizens of this state an example of energy use efficiency, the legislature further finds and declares that state government should undertake an aggressive program designed to reduce energy use in state buildings, facilities, equipment, and vehicles within a reasonable period of time. The use of appropriate tree plantings for energy conservation is encouraged as part of this program.

[1993 c 204 § 6; 1980 c 172 § 1.]

Notes:

Findings--1993 c 204: See note following RCW 35.92.390.

RCW 43.19.669 Energy conservation--Purpose.

Applicable Cases

It is the purpose of RCW 43.19.670 through 43.19.685 to require energy audits in state-owned buildings, to require energy audits as a lease condition in all new, renewed, and renegotiated leases of buildings by the state, to undertake such modifications and installations as are necessary to maximize the efficient use of energy in these buildings, and to establish a policy for the purchase of state vehicles, equipment, and materials which results in efficient energy use by the state.

[1980 c 172 § 2.]

RCW 43.19.670 Energy conservation--Definitions.

Applicable Cases

As used in RCW 43.19.670 through 43.19.685, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Energy audit" means a determination of the energy consumption characteristics of a facility which consists of the following elements:

(a) An energy consumption survey which identifies the type, amount, and rate of energy consumption of the facility and its major energy systems. This survey shall be made by the agency responsible for the facility.

(b) A walk-through survey which determines appropriate energy conservation maintenance and operating procedures and indicates the need, if any, for the acquisition and installation of energy conservation measures. This survey shall be made by the agency responsible for the facility if it has technically qualified personnel available. The director of general administration shall provide technically qualified personnel to the responsible agency if necessary.

(c) A technical assistance study, which is an intensive engineering analysis of energy conservation measures for the facility, net energy savings, and a cost-effectiveness determination. This element is required only for those facilities designated in the technical assistance study schedule adopted under RCW 43.19.680(3).

(2) "Energy conservation measure" means an installation or modification of an installation in a facility which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, including:

(a) Insulation of the facility structure and systems within the facility;

(b) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door system modifications;

(c) Automatic energy control systems;

(d) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;

(e) Solar space heating or cooling systems, solar electric generating systems, or any combination thereof;

(f) Solar water heating systems;

(g) Furnace or utility plant and distribution system modifications including replacement burners, furnaces, and boilers which substantially increase the energy efficiency of the heating system; devices for modifying flue openings which will increase the energy efficiency of the heating system; electrical or mechanical furnace ignitions systems which replace standing gas pilot lights; and utility plant system conversion measures including conversion of existing oil- and gas-fired boiler installations to alternative energy sources;

(h) Caulking and weatherstripping;

(i) Replacement or modification of lighting fixtures which increase the energy efficiency of the lighting system;

(j) Energy recovery systems; and

(k) Such other measures as the director finds will save a substantial amount of energy.

(3) "Energy conservation maintenance and operating procedure" means modification or modifications in the maintenance and operations of a facility, and any installations within the facility, which are designed to reduce energy consumption in the facility and which require no significant expenditure of funds.

(4) "Facility" means a building, a group of buildings served by a central energy distribution system, or components of a central energy distribution system.

(5) "Implementation plan" means the annual tasks and budget required to complete all acquisitions and installations necessary to satisfy the recommendations of the energy audit.

[1982 c 48 § 1; 1980 c 172 § 3.]

RCW 43.19.675 Energy audits of state-owned facilities required--Completion dates.

Applicable Cases

The director of general administration, in cooperation with the director of the state energy office, shall conduct, by contract or other arrangement, an energy audit for each state-owned facility. All energy audits shall be coordinated with and complement other governmental energy audit programs. The energy audit for each state-owned facility located on the capitol campus shall be completed no later than July 1, 1981, and the results and findings of each energy audit shall be compiled and transmitted to the governor and the legislature no later than October 1, 1981. For every other state-owned facility, the energy consumption surveys shall be completed no later than October 1, 1982, and the walk-through surveys shall be completed no later than July 1, 1983.

[1982 c 48 § 2; 1980 c 172 § 4.]

Notes:

Energy audits of school district buildings: RCW 28A.320.330.

RCW 43.19.680 Implementation of energy conservation and maintenance procedures after walk-through survey--Transmission of results of energy consumption and walk-through surveys--Schedule for technical assistance studies--Schedule for completion of energy conservation measures--Reports--Private investment in energy conservation measures.

Applicable Cases

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) By December 31, 1981, for the capitol campus the director of general administration

shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

[1996 c 186 § 506; 1986 c 325 § 2; 1983 c 313 § 1; 1982 c 48 § 3; 1980 c 172 § 5.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Findings--1986 c 325: See note following RCW 43.41.170.

Budgeting process--Guidelines to ensure agencies implementing energy conservation retain cost savings: RCW 43.41.170.

RCW 43.19.682 Energy conservation to be included in landscape objectives.

Applicable Cases

The director of the department of general administration shall seek to further energy conservation objectives among other landscape objectives in planting and maintaining trees upon grounds administered by the department.

[1993 c 204 § 9.]

Notes:

Findings--1993 c 204: See note following RCW 35.92.390.

RCW 43.19.685 Lease covenants, conditions, and terms to be developed--Applicability.

Applicable Cases

The director of general administration shall develop lease covenants, conditions, and terms which:

(1) Obligate the lessor to conduct or have conducted a walk-through survey of the leased premises;

(2) Obligate the lessor to implement identified energy conservation maintenance and operating procedures upon completion of the walk-through survey; and

(3) Obligate the lessor to undertake technical assistance studies and subsequent acquisition and installation of energy conservation measures if the director of general administration, in accordance with rules adopted by the department, determines that these studies and measures will both conserve energy and can be accomplished with a state funding contribution limited to the savings which would result in utility expenses during the term of the lease.

These lease covenants, conditions, and terms shall be incorporated into all specified new, renewed, and renegotiated leases executed on or after January 1, 1983. This section applies to all leases under which state occupancy is at least half of the facility space and includes an area greater than three thousand square feet.

[1982 c 48 § 4; 1980 c 172 § 6.]

RCW 43.19.700 In-state preference clauses--Finding--Intent.

Applicable Cases

The legislature finds that in-state preference clauses used by other states in procuring goods and services have a discriminatory effect against Washington vendors with resulting harm to this state's revenues and the welfare of this state's citizens. *This act is intended to promote fairness in state government procurement by requiring that, when appropriate, Washington exercise reciprocity with those states having in-state preferences, and it shall be liberally construed to that effect.

[1983 c 183 § 1.]

Notes:

***Reviser's note:** "This act" consists of the enactment of RCW 43.19.700, 43.19.702, and 43.19.704 and the 1983 c 183 amendment to RCW 43.19.1911.

RCW 43.19.702 List of statutes and regulations of each state on state purchasing which grant preference to in-state vendors.

Applicable Cases

The director of general administration shall compile a list of the statutes and regulations, relating to state purchasing, of each state, which statutes and regulations the director believes grant a preference to vendors located within the state or goods manufactured within the state. At least once every twelve months the director shall update the list.

[1983 c 183 § 2.]

RCW 43.19.704 Rules for reciprocity in bidding.

Applicable Cases

The director of general administration shall adopt and apply rules designed to provide for some reciprocity in bidding between Washington and those states having statutes or regulations on the list under RCW 43.19.702. The director of general administration shall have broad discretionary power in developing these rules and the rules shall provide for reciprocity only to the extent and in those instances where the director considers it appropriate. For the purpose of determining the lowest responsible bidder pursuant to RCW 43.19.1911, such rules shall (1) require the director to impose a reciprocity increase on bids when appropriate under the rules and (2) establish methods for determining the amount of the increase. In no instance shall such increase, if any, be paid to a vendor whose bid is accepted.

[1983 c 183 § 3.]

RCW 43.19.710 Consolidated mail service--Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 43.19.715.

- (1) "Consolidated mail service" means incoming, outgoing, and internal mail processing.
- (2) "Department" means the department of general administration.
- (3) "Director" means the director of the department of general administration.
- (4) "Agency" means:
 - (a) The office of the governor; and
 - (b) Any office, department, board, commission, or other separate unit or division, however designated, of the state government, together with all personnel thereof: Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and that has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to: (i) No other public officer or (ii) the governor.
- (5) "Incoming mail" means mail, packages, or similar items received by an agency, through the United States postal service, private carrier services, or other courier services.
- (6) "Outgoing mail" means mail, packages, or similar items processed for agencies to be sent through the United States postal service, private carrier services, or other courier services.
- (7) "Internal mail" means interagency mail, packages, or similar items that are delivered or to be delivered to a state agency, the legislature, the supreme court, or the court of appeals, and

their officers and employees.

[1993 c 219 § 2.]

Notes:

Intent--1993 c 219: "It is the intent of the legislature to consolidate mail functions for state government in a manner that will provide timely, effective, efficient, and less-costly mail service for state government." [1993 c 219 § 1.]

Effective date--1993 c 219: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 219 § 6.]

RCW 43.19.715 Consolidated mail service--Area served.

Applicable Cases

The director shall establish a consolidated mail service to handle all incoming, outgoing, and internal mail in the 98504 zip code area or successor zip code areas for agencies in the Olympia, Tumwater, and Lacey area. The director may include additional geographic areas within the consolidated mail service, based upon his or her determination. The department shall also provide mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area upon request.

The director may bill state agencies and other entities periodically for mail services rendered.

[1993 c 219 § 3.]

Notes:

Intent--Effective date--1993 c 219: See notes following RCW 43.19.710.

RCW 43.19.720 Consolidated mail service--Review needs of state agencies.

Applicable Cases

The department, in cooperation with the office of financial management, shall review current and prospective needs of state agencies for any equipment to process mail throughout state government. If after such consultation, the department should find that the economy, efficiency, or effectiveness of state government would be improved by such a transfer or other disposition, then the property shall be transferred or otherwise disposed.

After making such finding, the department shall direct the transfer of existing state property, facilities, and equipment pertaining to the consolidated mail service or United States postal service. Any dispute concerning the benefits in state governmental economy, efficiency, and effectiveness shall be resolved by the office of financial management.

[1993 c 219 § 5.]

Notes:

Intent--Effective date--1993 c 219: See notes following RCW 43.19.710.

Chapter 43.19A RCW

RECYCLED PRODUCT PROCUREMENT

RCW

43.19A.005	Purpose.
43.19A.010	Definitions.
43.19A.020	Recycled product purchasing--USEPA product standards.
43.19A.030	Local government duties.
43.19A.040	Local government adoption of preferential purchase policy optional.
43.19A.050	Strategy for state agency procurement.
43.19A.060	Data base of products and vendors.
43.19A.070	Education program--Product substitution list--Model procurement guidelines.
43.19A.080	Bid notification to state recycled content requirements.
43.19A.110	Local road projects--Compost products.
43.19A.900	Captions not law--1991 c 297.

Notes:

Recycled material products purchase: RCW 43.19.538.

RCW 43.19A.005 Purpose.

Applicable Cases

It is the purpose of this chapter to:

- (1) Substantially increase the procurement of recycled content products by all local and state governmental agencies and public schools, and provide a model to encourage a comparable commitment by Washington state citizens and businesses in their purchasing practices;
- (2) Target government procurement policies and goals toward those recycled products for which there are significant market development needs or that may substantially contribute to solutions to the state's waste management problem;
- (3) Provide standards for recycled products for use in procurement programs by all governmental agencies;
- (4) Provide the authority for all governmental agencies to adopt preferential purchasing policies for recycled products;
- (5) Direct state agencies to develop strategies to increase recycled product purchases, and to provide specific goals for procurement of recycled paper products and organic recovered materials; and
- (6) Provide guidance and direction for local governments and other public agencies to develop plans for increasing the procurement of recycled content products.

[1991 c 297 § 1.]

RCW 43.19A.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(2) "Department" means the department of general administration.

(3) "Director" means the director of the department of general administration.

(4) "Local government" means a city, town, county, special purpose district, school district, or other municipal corporation.

(5) "Lubricating oil" means petroleum-based oils for reducing friction in engine parts and other mechanical parts.

(6) "Mixed waste paper" means assorted low-value grades of paper that have not been separated into individual grades of paper at the point of collection.

(7) "Municipal sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a publicly owned wastewater treatment plant.

(8) "Biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.95J RCW.

(9) "Paper and paper products" means all items manufactured from paper or paperboard.

(10) "Postconsumer waste" means a material or product that has served its intended use and has been discarded for disposal or recovery by a final consumer.

(11) "Procurement officer" means the person that has the primary responsibility for procurement of materials or products.

(12) "State agency" means all units of state government, including divisions of the governor's office, the legislature, the judiciary, state agencies and departments, correctional institutions, vocational technical institutions, and universities and colleges.

(13) "Recycled content product" or "recycled product" means a product containing recycled materials.

(14) "Recycled materials" means waste materials and by-products that have been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product and consists of materials derived from postconsumer waste, manufacturing waste, industrial scrap, agricultural wastes, and other items, all of which can be used in the manufacture of new or recycled products.

(15) "Re-refined oils" means used lubricating oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process. Re-refining may include distillation, hydrotreating, or treatments employing acid, caustic, solvent, clay, or other chemicals, or other physical treatments other than those used in reclaiming.

(16) "USEPA product standards" means the product standards of the United States environmental protection agency for recycled content published in the code of federal regulations.

[1992 c 174 § 12; 1991 c 297 § 2.]

RCW 43.19A.020 Recycled product purchasing--USEPA product standards.

Applicable Cases

(1) The USEPA product standards, as now or hereafter amended, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in (a) and (b) of this subsection by the dates indicated, unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) By July 1, 1997:

- (i) Paper and paper products;
- (ii) Organic recovered materials; and
- (iii) Latex paint products;

(b) By July 1, 1997:

- (i) Products for lower value uses containing recycled plastics;
- (ii) Retread and remanufactured tires;
- (iii) Lubricating oils;
- (iv) Automotive batteries;
- (v) Building insulation;
- (vi) Panelboard; and
- (vii) Compost products.

(2) The standards required by this section shall be applied to recycled product purchasing by the department and other state agencies. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

[1996 c 198 § 1; 1995 c 269 § 1406; 1991 c 297 § 3.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.19A.030 Local government duties.

Applicable Cases

(1) By January 1, 1993, each local government shall review its existing procurement policies and specifications to determine whether recycled products are intentionally or unintentionally excluded. The policies and specifications shall be revised to include such products unless a recycled content product does not meet an established performance standard of the agency.

(2) By fiscal year 1994, each local government shall adopt a minimum purchasing goal for recycled content as a percentage of the total dollar value of supplies purchased. To assist in achieving this goal each local government shall adopt a strategy by January 1, 1993, and shall submit a description of the strategy to the department. All public agencies shall respond to requests for information from the department for the purpose of its reporting requirements under this section.

(3) Each local government shall designate a procurement officer who shall serve as the primary contact with the department for compliance with the requirements of this chapter.

(4) This section shall apply only to local governments with expenditures for supplies exceeding five hundred thousand dollars for fiscal year 1989. Expenditures for capital goods and for electricity, water, or gas for resale shall not be considered a supply expenditure.

[1998 c 245 § 57; 1991 c 297 § 4.]

RCW 43.19A.040 Local government adoption of preferential purchase policy optional.

Applicable Cases

(1) Each local government shall consider the adoption of policies, rules, or ordinances to provide for the preferential purchase of recycled content products. Any local government may adopt the preferential purchasing policy of the department of general administration, or portions of such policy, or another policy that provides a preference for recycled content products.

(2) The department of general administration shall prepare one or more model recycled content preferential purchase policies suitable for adoption by local governments. The model policy shall be widely distributed and provided through the technical assistance and workshops under RCW 43.19A.070.

(3) A local government that is not subject to the purchasing authority of the department of general administration, and that adopts the preferential purchase policy or rules of the department, shall not be limited by the percentage price preference included in such policy or rules.

[1991 c 297 § 6.]

RCW 43.19A.050 Strategy for state agency procurement.

Applicable Cases

The department shall prepare a strategy to increase purchases of recycled-content products by the department and all state agencies, including higher education institutions. The strategy shall include purchases from public works contracts. The strategy shall address the purchase of plastic products, retread and remanufactured tires, motor vehicle lubricants, latex paint, and lead acid batteries having recycled content. In addition, the strategy shall incorporate actions to achieve the following purchase level goals of recycled content paper and compost products:

(1) Paper products as a percentage of the total dollar amount purchased on an annual basis:

- (a) At least sixty percent by 1996;
- (b) At least seventy percent by 1997;
- (c) At least eighty percent by 1998.

(2) Compost products as a percentage of the total dollar amount on an annual basis:

- (a) At least forty percent by 1996;
- (b) At least sixty percent by 1997;
- (c) At least eighty percent by 1998.

[1996 c 198 § 2; 1991 c 297 § 7.]

RCW 43.19A.060 Data base of products and vendors.

Applicable Cases

(1) The department shall develop a data base of available products with recycled-content products, and vendors supplying such products. The data base shall incorporate information regarding product consistency with the content standards adopted under RCW 43.19A.020. The data base shall incorporate information developed through state and local government procurement of recycled-content products.

(2) By December 1, 1992, the department shall report to the appropriate standing committees of the legislature on the cost of making the data base accessible to all state and local governments and to the private sector.

(3) The department shall compile information on purchases made by the department or pursuant to the department's purchasing authority, and information provided by local governments, regarding:

(a) The percentage of recycled content and, if known, the amount of postconsumer waste in the products purchased;

(b) Price;

(c) Agency experience with the performance of recycled products and the supplier under the terms of the purchase; and

(d) Any other information deemed appropriate by the department.

[1991 c 297 § 8.]

RCW 43.19A.070 Education program--Product substitution list--Model procurement guidelines.

Applicable Cases

(1) The department shall implement an education program to encourage maximum procurement of recycled products by state and local government entities. The program shall include at least the following:

(a) Technical assistance to all state and local governments and their designated procurement officers on the requirements of this chapter, including preparation of model purchase contracts, the preparation of procurement plans, and the availability of recycled products;

(b) Two or more workshops annually in which all state and local government entities are invited;

(c) Information on intergovernmental agreements to facilitate procurement of recycled products.

(2) The director shall, in consultation with the department of ecology, make available to the public, local jurisdictions, and the private sector, a comprehensive list of substitutes for extremely hazardous, hazardous, toxic, and nonrecyclable products, and disposable products intended for a single use. The department and all state agencies exercising the purchasing

authorities of the department shall include the substitute products on bid notifications, except where the department allows an exception based upon product availability, price, suitability for intended use, or similar reasons.

(3) The department shall prepare model procurement guidelines for use by local governments.

[1991 c 297 § 9.]

RCW 43.19A.080 Bid notification to state recycled content requirements.

Applicable Cases

A notification regarding a state or local government's intent to procure products with recycled content must be prominently displayed in the procurement solicitation or invitation to bid including:

- (1) A description of the postconsumer waste content or recycled content requirements; and
- (2) A description of the agency's recycled content preference program.

[1991 c 297 § 11.]

RCW 43.19A.110 Local road projects--Compost products.

Applicable Cases

(1) Each county and city required to prepare a strategy under RCW 43.19A.030 shall adopt specifications for compost products to be used in road projects. The specifications developed by the department of transportation under RCW 47.28.220 may be adopted by the city or county in lieu of developing specifications.

(2) After July 1, 1992, any contract awarded in whole or in part for applying soils, soil covers, or soil amendments to road rights of way shall specify that compost materials be purchased in accordance with the following schedule:

- (a) For the period July 1, 1992, through June 30, 1994, at least twenty-five percent of the total dollar amount of purchases by the city or county;
- (b) On and after July 1, 1994, at least fifty percent of the annual total dollar amount of purchases by the city or county.

(3) The city or county may depart from the schedule in subsection (2) of this section where it determines that no suitable product is available at a reasonable price.

[1991 c 297 § 17.]

RCW 43.19A.900 Captions not law--1991 c 297.

Applicable Cases

Captions as used in this act constitute no part of the law.

[1991 c 297 § 21.]

Chapter 43.20 RCW

STATE BOARD OF HEALTH

RCW

- 43.20.025 Definitions.
- 43.20.030 State board of health--Members--Chairman--Staff support--Executive director, confidential secretary--Compensation and travel expenses of members.
- 43.20.035 State board of health--Cooperation with environmental agencies.
- 43.20.050 Powers and duties of state board of health--State public health report--Delegation of authority--Enforcement of rules.
- 43.20.100 Annual report.
- 43.20.110 Federal act on maternal and infancy hygiene accepted.
- 43.20.140 Services to crippled children--Rules and regulations.
- 43.20.175 Violations--Injunctions and legal proceedings authorized.
- 43.20.185 Enforcement of health laws and state or local rules and regulations upon request of local health officer.
- 43.20.195 Reports of violations by secretary--Duty of attorney general, prosecuting attorney or city attorney to institute proceedings--Notice to alleged violator.
- 43.20.200 Grant-in-aid payments for local health departments.
- 43.20.215 Right of person to rely on prayer to alleviate ailments not abridged.
- 43.20.220 Cooperation with federal government--Construction of Title 70 RCW.
- 43.20.230 Water resource planning--Procedures, criteria, technical assistance.
- 43.20.235 Water conservation--Water delivery rate structures.
- 43.20.240 Public water systems--Complaint process.

Notes:

Cold storage food workers, health certificates: RCW 19.32.110.

Contagious diseases

abatement: RCW 70.05.070.

report of local officers and physicians: RCW 70.05.110.

Control of pet animals infected with diseases communicable to humans, state board of health duties: Chapter 16.70 RCW.

Death certificates: RCW 70.58.150 through 70.58.190.

Drinking water quality consumer complaints: RCW 80.04.110.

Food and beverage service workers' permits, prescribed by: RCW 69.06.010.

Health, department of: Chapter 43.70 RCW.

Hospitals

disclosure of information: RCW 70.41.150.

enforcement of board rules: RCW 70.41.040.

inspection: RCW 70.41.120.

Immunization program, state board of health participation: RCW 28A.210.060 through 28A.210.170.

Physicians, regulation of professional services: RCW 70.41.180.

Screening program for scoliosis, state board of health participation: RCW 28A.210.180 through 28A.210.250.

Sexually transmitted diseases: Chapter 70.24 RCW.

Social and health services, department created: RCW 43.17.010, 43.20A.030.

RCW 43.20.025 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

(2) "*Council" means the health care access and cost control council.

(3) "Department" means the department of health.

(4) "Secretary" means the secretary of health, or the secretary's designee.

(5) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

(6) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

(7) "State board" means the state board of health created under chapter 43.20 RCW.

[1989 1st ex.s. c 9 § 208; 1984 c 243 § 1.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.20.030 State board of health--Members--Chairman--Staff support--Executive director, confidential secretary--Compensation and travel expenses of members.

Applicable Cases

The state board of health shall be composed of ten members. These shall be the secretary or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, an elected city official who is a member of a local health board, an elected county official who is a member of a local health board, a local health officer, and two persons representing the consumers of health care. Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities. Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department of social and health services shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

[1984 c 287 § 75; 1984 c 243 § 2; (1993 c 492 § 255 repealed by 1995 c 43 § 16); 1970 ex.s. c 18 § 11; 1965 c 8 §

43.20.030. Prior: 1921 c 7 § 56, part; RRS § 10814, part.]

Notes:

Reviser's note: This section was amended by 1984 c 287 § 75 and by 1984 c 243 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 43.20.035 State board of health--Cooperation with environmental agencies.

Applicable Cases

See RCW 43.70.310.

RCW 43.20.050 Powers and duties of state board of health--State public health report--Delegation of authority--Enforcement of rules.

Applicable Cases

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the *council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by January 1 of each even-numbered year for adoption by the governor. The governor, no later than March 1 of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(4) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(5) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

1967 ex.s. c 102 § 9; 1965 c 8 § 43.20.050; prior: (i) 1901 c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

Findings--1993 c 492: "The legislature finds that our health and financial security are jeopardized by our ever increasing demand for health care and by current health insurance and health system practices. Current health system practices encourage public demand for unneeded, ineffective, and sometimes dangerous health treatments. These practices often result in unaffordable cost increases that far exceed ordinary inflation for essential care. Current total health care expenditure rates should be sufficient to provide access to essential health care interventions to all within a reformed, efficient system.

The legislature finds that too many of our state's residents are without health insurance, that each year many individuals and families are forced into poverty because of serious illness, and that many must leave gainful employment to be eligible for publicly funded medical services. Additionally, thousands of citizens are at risk of losing adequate health insurance, have had insurance canceled recently, or cannot afford to renew existing coverage.

The legislature finds that businesses find it difficult to pay for health insurance and remain competitive in a global economy, and that individuals, the poor, and small businesses bear an inequitable health insurance burden.

The legislature finds that persons of color have significantly higher rates of mortality and poor health outcomes, and substantially lower numbers and percentages of persons covered by health insurance than the general population. It is intended that chapter 492, Laws of 1993 make provisions to address the special health care needs of these racial and ethnic populations in order to improve their health status.

The legislature finds that uncontrolled demand and expenditures for health care are eroding the ability of families, businesses, communities, and governments to invest in other enterprises that promote health, maintain independence, and ensure continued economic welfare. Housing, nutrition, education, and the environment are all diminished as we invest ever increasing shares of wealth in health care treatments.

The legislature finds that while immediate steps must be taken, a long-term plan of reform is also needed." [1993 c 492 § 101.]

Intent--1993 c 492: "(1) The legislature intends that state government policy stabilize health services costs, assure access to essential services for all residents, actively address the health care needs of persons of color, improve the public's health, and reduce unwarranted health services costs to preserve the viability of nonhealth care businesses.

(2) The legislature intends that:

(a) Total health services costs be stabilized and kept within rates of increase similar to the rates of personal income growth within a publicly regulated, private marketplace that preserves personal choice;

(b) State residents be enrolled in the certified health plan of their choice that meets state standards regarding affordability, accessibility, cost-effectiveness, and clinical efficaciousness;

(c) State residents be able to choose health services from the full range of health care providers, as defined in RCW 43.72.010(12), in a manner consistent with good health services management, quality assurance, and cost effectiveness;

(d) Individuals and businesses have the option to purchase any health services they may choose in addition to those included in the uniform benefits package or supplemental benefits;

(e) All state residents, businesses, employees, and government participate in payment for health services, with total costs to individuals on a sliding scale based on income to encourage efficient and appropriate utilization of services;

(f) These goals be accomplished within a reformed system using private service providers and facilities in a way that allows consumers to choose among competing plans operating within budget limits and other regulations that promote the public good; and

(g) A policy of coordinating the delivery, purchase, and provision of health services among the federal,

state, local, and tribal governments be encouraged and accomplished by chapter 492, Laws of 1993.

(3) Accordingly, the legislature intends that chapter 492, Laws of 1993 provide both early implementation measures and a process for overall reform of the health services system." [1993 c 492 § 102.]

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Severability--1992 c 34: See note following RCW 69.07.170.

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Savings--1985 c 213: "This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections." [1985 c 213 § 31.]

Effective date--1985 c 213: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985." [1985 c 213 § 33.]

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

Rules and regulations--Visual and auditory screening of pupils: RCW 28A.210.020.

RCW 43.20.100 Annual report.

Applicable Cases

The state board of health shall make an annual report to the governor including therein suggestions for such legislative action as it deems necessary.

[1977 c 75 § 44; 1965 c 8 § 43.20.100. Prior: 1891 c 98 § 11; RRS § 6007.]

RCW 43.20.110 Federal act on maternal and infancy hygiene accepted.

Applicable Cases

The provisions of the act of congress entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, are hereby accepted by the state of Washington.

[1965 c 8 § 43.20.110. Prior: 1923 c 127 § 1; RRS § 10814-1.]

RCW 43.20.140 Services to crippled children--Rules and regulations.

Applicable Cases

The director of the state board of health shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of RCW 43.20A.635.

[1979 c 141 § 58; 1965 c 8 § 43.20.140. Prior: 1941 c 129 § 2; Rem. Supp. 1941 § 9992-107b. Formerly RCW 74.12.220.]

RCW 43.20.175 Violations--Injunctions and legal proceedings authorized.

Applicable Cases

See RCW 43.70.190.

RCW 43.20.185 Enforcement of health laws and state or local rules and regulations upon request of local health officer.

Applicable Cases

See RCW 43.70.200.

RCW 43.20.195 Reports of violations by secretary--Duty of attorney general, prosecuting attorney or city attorney to institute proceedings--Notice to alleged violator.

Applicable Cases

See RCW 43.20A.660.

RCW 43.20.200 Grant-in-aid payments for local health departments.

Applicable Cases

The state board of health is hereby authorized to provide grant-in-aid payments with state funds to assist in the cost of general operation of local health departments in accordance with standards established by the board.

[1967 ex.s. c 102 § 11.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20.215 Right of person to rely on prayer to alleviate ailments not abridged.

Applicable Cases

See RCW 43.70.210.

RCW 43.20.220 Cooperation with federal government--Construction of Title 70 RCW.

Applicable Cases

See RCW 70.01.010.

RCW 43.20.230 Water resource planning--Procedures, criteria, technical assistance.

Applicable Cases

Consistent with the water resource planning process of the department of ecology, the department of health shall:

(1) Develop procedures and guidelines relating to water use efficiency, as defined in *section 4(3), chapter 348, Laws of 1989, to be included in the development and approval of cost-efficient water system plans required under RCW 43.20.050;

(2) Develop criteria, with input from technical experts, with the objective of encouraging the cost-effective reuse of greywater and other water recycling practices, consistent with protection of public health and water quality;

(3) Provide advice and technical assistance upon request in the development of water use efficiency plans; and

(4) Provide advice and technical assistance on request for development of model conservation rate structures for public water systems. Subsections (1), (2), and (3) of this section are subject to the availability of funding.

[1993 sp.s. c 4 § 9; 1989 c 348 § 12.]

Notes:

***Reviser's note:** 1989 c 348 § 4 was vetoed.

Findings--Grazing lands--1993 sp.s. c 4: See RCW 79.01.2951.

Severability--1989 c 348: See note following RCW 90.54.020.

Rights not impaired--1989 c 348: See RCW 90.54.920.

RCW 43.20.235 Water conservation--Water delivery rate structures.

Applicable Cases

Water purveyors required to develop a water system plan pursuant to RCW 43.20.230 shall evaluate the feasibility of adopting and implementing water delivery rate structures that encourage water conservation. This information shall be included in water system plans submitted to the department of health for approval after July 1, 1993. The department shall evaluate the following:

- (1) Rate structures currently used by public water systems in Washington; and
- (2) Economic and institutional constraints to implementing conservation rate structures.

[1998 c 245 § 58; 1993 sp.s. c 4 § 10.]

Notes:

Findings--Grazing lands--1993 sp.s. c 4: See RCW 79.01.2951.

RCW 43.20.240 Public water systems--Complaint process.

Applicable Cases

(1) The department shall have primary responsibility among state agencies to receive complaints from persons aggrieved by the failure of a public water system. If the remedy to the complaint is not within the jurisdiction of the department, the department shall refer the complaint to the state or local agency that has the appropriate jurisdiction. The department shall take such steps as are necessary to inform other state agencies of their primary responsibility for such complaints and the implementing procedures.

(2) Each county shall designate a contact person to the department for the purpose of receiving and following up on complaint referrals that are within county jurisdiction. In the absence of any such designation, the county health officer shall be responsible for performing this function.

(3) The department and each county shall establish procedures for providing a reasonable response to complaints received from persons aggrieved by the failure of a public water system.

(4) The department and each county shall use all reasonable efforts to assist customers of public water systems in obtaining a dependable supply of water at all times. The availability of resources and the public health significance of the complaint shall be considered when determining what constitutes a reasonable effort.

(5) The department shall, in consultation with local governments, water utilities, water-sewer districts, public utility districts, and other interested parties, develop a booklet or other single document that will provide to members of the public the following information:

(a) A summary of state law regarding the obligations of public water systems in providing drinking water supplies to their customers;

(b) A summary of the activities, including planning, rate setting, and compliance, that are to be performed by both local and state agencies;

(c) The rights of customers of public water systems, including identification of agencies or offices to which they may address the most common complaints regarding the failures or inadequacies of public water systems.

This booklet or document shall be available to members of the public no later than January 1, 1991.

[1999 c 153 § 56; 1990 c 132 § 3.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

Legislative findings--1990 c 132: "The legislature finds the best interests of the citizens of the state are served if:

(1) Customers served by public water systems are assured of an adequate quantity and quality of water supply at reasonable rates;

(2) There is improved coordination between state agencies engaged in water system planning and public health regulation and local governments responsible for land use planning and public health and safety; and

(3) Existing procedures and processes for water system planning are strengthened and fully implemented by state agencies, local government, and public water systems." [1990 c 132 § 1.]

Severability--1990 c 132: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 132 § 7.]

**Chapter 43.20A RCW
DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

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Notes:

Advisory committee on vendor rates--Created--Members--Chairman: RCW 74.32.100.

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Certificates for out-of-state marriage license requirements: RCW 70.58.380.

Child welfare agencies: RCW 74.15.060.

Children, expectant mothers, retarded adults, health protection as to agencies providing for, duties of secretary of health: RCW 74.15.060.

City sewerage systems, investigation: RCW 35.88.090.

Commission merchants, damaged or unfit products, certificate as to, issued by department: RCW 20.01.450.

Control of pet animals infected with diseases communicable to humans, secretary's duties: Chapter 16.70 RCW.

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County sewerage and water systems, approval by department: RCW 36.94.100.

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Hospital and medical facilities survey and construction

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state plan: RCW 70.40.090, 70.40.100.

Hospitals for mentally ill, private establishments

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examinations generally: RCW 71.12.510, 71.12.520.

Juvenile justice act of 1977, department and secretary's duties under: Chapter 13.40 RCW.

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issuance: RCW 71.12.460.

Licensing of adult family homes: Chapter 70.128 RCW.

Medical assistance: Chapter 74.09 RCW.

Mental illness, department's duties relating to: Chapter 71.05 RCW.

Monitoring enrollee level in basic health plan and medicaid caseload of children--Funding levels adjustment: RCW 43.41.260.

Mosquito control, duties in regard to: Chapter 70.22 RCW.

Nursing homes licensing, duties concerning: Chapter 18.51 RCW.

Occupational and environmental research facility advisory committee, membership: RCW 28B.20.456.

Occupational forecast--Agency consultation: RCW 50.38.030.

Offices maintained at state capital: RCW 43.17.050.

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Purchase of products and services provided by sheltered workshops and group training centers: RCW 43.19.520 through 43.19.530.

Residential schools and/or homes for children with disabilities: RCW 28A.155.040.

Rules and regulations of department: RCW 43.17.060.

Sanitation advice to local authority: RCW 70.54.040.

Secretary

appointment: RCW 43.17.020.

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Shellfish sanitation control: Chapter 69.30 RCW.

State otologist

appointment: RCW 70.50.010.

duties: RCW 70.50.020.

Temporary assistance for needy families: Chapter 74.12 RCW.

Victims of crimes, reimbursement by convicted person as condition of work release or parole: RCW 7.68.120.

Vital statistics: Chapter 70.58 RCW.

RCW 43.20A.010 Purpose.

Applicable Cases

The department of social and health services is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions vested by law on June 30, 1970, in the department of

public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged with its administration.

[1989 1st ex.s. c 9 § 211; 1979 c 141 § 60; 1970 ex.s. c 18 § 1.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Effective date--1970 ex.s. c 18: *"Except as otherwise in this amendatory act provided, this 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 18 § 69.]

***Reviser's note:** Phrase "Except as otherwise in this amendatory act provided" refers to 1970 ex.s. c 18 § 67, uncodified, which pertained to laws amended in existing education code and as the same were reenacted in the new education code, effective July 1, 1970, not otherwise pertinent hereto.

Severability--1970 ex.s. c 18: "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application to other persons or circumstances, is not affected." [1970 ex.s. c 18 § 70.]

RCW 43.20A.020 Definitions.

Applicable Cases

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

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services.
- (3) "Deputy secretary" means the deputy secretary of the department of social and health services.
- (4) "Overpayment" means any department payment or department benefit to a recipient or to a vendor in excess of that to which the recipient or vendor is entitled by law, rule, or contract, including amounts in dispute pending resolution.
- (5) "Vendor" means an entity that provides goods or services to or for clientele of the department and that controls operational decisions.

[1987 c 283 § 1; 1979 c 141 § 61; 1970 ex.s. c 18 § 2.]

Notes:

Severability--1987 c 283: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 283 § 17.]

Savings--1987 c 283: "The enactment of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, that is in existence on July 26, 1987." [1987 c 283 § 18.]

RCW 43.20A.025 "Appropriately trained professional person" defined by rule.

Applicable Cases

The department of social and health services shall adopt rules defining "appropriately

trained professional person" for the purposes of conducting mental health and chemical dependency evaluations under RCW 71.34.052(3), 71.34.054(1), 70.96A.245(3), and 70.96A.250(1).

[1998 c 296 § 34.]

Notes:

Findings--Intent--Part headings not law--Short title--1998 c 296: See notes following RCW 74.13.025.

RCW 43.20A.030 Department created--Powers and duties transferred to.

Applicable Cases

There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions vested by law on June 30, 1970, in the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department. Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs.

[1989 1st ex.s. c 9 § 212; 1979 c 141 § 62; 1970 ex.s. c 18 § 3.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.20A.035 Inventory of charitable, educational, penal, and reformatory land.

Applicable Cases

The department shall conduct an inventory of real properties as provided in RCW 79.01.006.

[1991 c 204 § 2.]

RCW 43.20A.037 Affordable housing--Inventory of suitable housing.

Applicable Cases

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

[1995 c 399 § 65; 1993 c 461 § 8.]

Notes:

Finding--1993 c 461: See note following RCW 43.63A.510.

RCW 43.20A.040 Secretary of social and health services--Appointment--Term--Salary--Temporary appointment if vacancy--As executive head and appointing authority.

Applicable Cases

The executive head and appointing authority of the department shall be the secretary of social and health services. He shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office.

[1970 ex.s. c 18 § 4.]

RCW 43.20A.050 Secretary of social and health services--Powers and duties generally--Employment of assistants and personnel, limitation.

Applicable Cases

It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the secretary to institute the flexible, alert and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the secretary's authority is not specifically limited by law, he or she shall have complete charge and supervisory powers over the department. The secretary is authorized to create such administrative structures as deemed appropriate, except as otherwise specified by law. The secretary shall have the power to employ such assistants and personnel as may be necessary for the general administration of the department. Except as elsewhere specified, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

[1997 c 386 § 41; 1979 c 141 § 63; 1970 ex.s. c 18 § 5.]

RCW 43.20A.060 Departmental divisions--Plan establishing and organizing.

Applicable Cases

The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation. Except as otherwise specified or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of public assistance, institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational

education.

[1989 1st ex.s. c 9 § 213; 1979 c 141 § 64; 1970 ex.s. c 18 § 6.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.20A.075 Rule-making authority.

Applicable Cases

For rules adopted after July 23, 1995, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

[1995 c 403 § 102.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.20A.080 Data sharing--Confidentiality--Penalties.

Applicable Cases

(1) The department shall provide the employment security department quarterly with the names and social security numbers of all clients in the WorkFirst program and any successor state welfare program.

(2) The information provided by the employment security department under RCW 50.13.060 for statistical analysis and welfare program evaluation purposes may be used only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. Through individual matches with accessed employment security department confidential employer wage files, only aggregate, statistical, group level data shall be reported. Data sharing by the employment security department may be extended to include the office of financial management and other such governmental entities with oversight responsibility for this program.

(3) The department and other agencies of state government shall protect the privacy of confidential personal data supplied under RCW 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms and conditions of a formal data-sharing agreement between the employment security department and agencies of state government, however the misuse or unauthorized use of confidential data supplied by the employment security department is subject to the penalties in RCW 50.13.080.

[1997 c 58 § 1005.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 43.20A.090 Deputy secretary--Department personnel director--Assistant

secretaries--Appointment--Duties--Salaries.

Applicable Cases

The secretary shall appoint a deputy secretary, a department personnel director and such assistant secretaries as shall be needed to administer the department. The deputy secretary shall have charge and general supervision of the department in the absence or disability of the secretary, and in case of a vacancy in the office of secretary, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting secretary. The secretary shall appoint an assistant secretary to administer the juvenile rehabilitation responsibilities required of the department by chapters 13.04, 13.40, and 13.50 RCW. The officers appointed under this section, and exempt from the provisions of the state civil service law by the terms of RCW 41.06.076, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

[1994 sp.s. c 7 § 515; 1970 ex.s. c 18 § 7.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.20A.100 Certain personnel exempted from state civil service law--Minimum qualifications for confidential secretaries.

Applicable Cases

See RCW 41.06.076.

RCW 43.20A.105 Social worker V employees--Implementation plan.

Applicable Cases

The secretary shall develop a plan for implementation for the social worker V employees. The implementation plan shall be submitted to the governor and the legislature by December 1, 1997. The department shall begin implementation of the plan beginning April 1, 1998. The department shall perform the duties assigned under *sections 3 through 5, chapter 386, Laws of 1997 and RCW 41.06.076 within existing personnel resources.

[1997 c 386 § 5.]

Notes:

***Reviser's note:** 1997 c 386 §§ 3 and 4 were vetoed by the governor. 1997 c 386 § 5 was codified as RCW 43.20A.105.

RCW 43.20A.110 Secretary's delegation of powers and duties.

Applicable Cases

The secretary may delegate any power or duty vested in or transferred to him by law, or executive order, to his deputy secretary or to any other assistant or subordinate; but the secretary shall be responsible for the official acts of the officers and employees of the department.

[1970 ex.s. c 18 § 9.]

RCW 43.20A.130 Secretary or designee as member of state board of health.

Applicable Cases

See RCW 43.20.030.

RCW 43.20A.158 Health protection for certain children, expectant mothers and adult retarded, powers and duties of secretary of health.

Applicable Cases

See RCW 74.15.060.

RCW 43.20A.160 Department as state radiation control agency.

Applicable Cases

See RCW 70.98.050.

RCW 43.20A.165 Federal Safe Drinking Water Act--Department to participate in and administer in conjunction with other departments.

Applicable Cases

See RCW 43.21A.445.

RCW 43.20A.167 Federal Older Americans Act of 1965--Department to participate in and administer.

Applicable Cases

See RCW 74.36.100.

RCW 43.20A.168 Community programs and projects for the aging.

Applicable Cases

See RCW 74.36.110 through 74.36.130.

RCW 43.20A.205 Denial, suspension, revocation, or modification of license.

Applicable Cases

This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given

the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the division of child support that the licensee is a person who is not in compliance with a support order or an order from court stating that the licensee is in noncompliance with a residential or visitation order under *chapter 26.09 RCW, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a support order under chapter 74.20A RCW or a residential or visitation order under *chapter 26.09 RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause.

[1997 c 58 § 841; 1989 c 175 § 95.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.20A.215 Assessment of civil fine.

Applicable Cases

This section governs the assessment of a civil fine against a person by the department.

(1) The department shall written give [written] notice to the person against whom it assesses a civil fine. The notice shall state the reasons for the adverse action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in an other manner that shows proof of receipt.

(2) Except as otherwise provided in subsection (4) of this section, the civil fine is due and payable twenty-eight days after receipt. The department may make the date the fine is due later than twenty-eight days after receipt. When the department does so, it shall state the effective date in the written notice given the person against whom it assesses the fine.

(3) The person against whom the department assesses a civil fine has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the fine, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the person's receiving the notice of civil fine, and be served in a manner which shows proof of receipt.

(4) If the person files a timely and sufficient appeal, the department shall not implement the action until the final order has been served. The presiding or reviewing officer may permit the department to implement part or all of the action while the proceedings are pending if the appellant causes an unreasonable delay in the proceedings or for other good cause.

[1989 c 175 § 96.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.20A.240 Veterans' rehabilitation council under department's jurisdiction--Secretary's duties.

Applicable Cases

See chapter 43.61 RCW.

RCW 43.20A.300 Department as state agency for receipt of federal funds for vocational rehabilitation--Exception.

Applicable Cases

Except as provided in RCW 74.18.060, the department of social and health services shall serve as the sole agency of the state for the receipt of federal funds made available by acts of congress for vocational rehabilitation within this state.

[1983 c 194 § 28; 1977 ex.s. c 40 § 15; 1970 ex.s. c 18 § 40.]

Notes:

Severability--Effective dates--1983 c 194: See RCW 74.18.902 and 74.18.903.

Severability--1977 ex.s. c 40: "If any provision of this 1977 amendatory act, or its application to any

person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 40 § 25.]

RCW 43.20A.310 Vocational rehabilitation, powers and duties of secretary or designee.

Applicable Cases

In addition to his other powers and duties, the secretary or his designee, shall have the following powers and duties:

- (1) To prepare, adopt and certify the state plan for vocational rehabilitation;
- (2) With respect to vocational rehabilitation, to adopt necessary rules and regulations and do such other acts not forbidden by law necessary to carry out the duties imposed by state law and the federal acts;
- (3) To carry out the aims and purposes of the acts of congress pertaining to vocational rehabilitation.

[1979 c 141 § 65; 1970 ex.s. c 18 § 42.]

RCW 43.20A.320 Consultation with coordinating council for occupational education.

Applicable Cases

The secretary or his designee shall consult with the coordinating council for occupational education in order to maintain close contact with developing programs of vocational education, particularly as such programs may affect programs undertaken in connection with vocational rehabilitation.

[1970 ex.s. c 18 § 43.]

RCW 43.20A.350 Committees and councils--Declaration of purpose.

Applicable Cases

The legislature declares that meaningful citizen involvement with and participation in the planning and programs of the department of social and health services are essential in order that the public may better understand the operations of the department, and the department staff may obtain the views and opinions of concerned and affected citizens. As a result of the creation of the department of social and health services and the resulting restructuring of programs and organization of the department's components, and as a further result of the legislative mandate to the department to organize and deliver services in a manner responsive to changing needs and conditions, it is necessary to provide for flexibility in the formation and functioning of the various committees and councils which presently advise the department, to restructure the present committees and councils, and to provide for new advisory committees and councils, so that all such committees and councils will more appropriately relate to the changing programs and services of the department.

[1971 ex.s. c 189 § 1.]

RCW 43.20A.360 Committees and councils--Appointment--Memberships--Terms--Vacancies--Travel expenses.

Applicable Cases

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (a) Health facilities; (b) children and youth services; (c) blind services; (d) medical and health care; (e) drug abuse and alcoholism; (f) social services; (g) economic services; (h) vocational services; (i) rehabilitative services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

[1989 1st ex.s. c 9 § 214; 1989 c 11 § 14; 1984 c 259 § 1; 1981 c 151 § 6; 1977 c 75 § 45; 1975-'76 2nd ex.s. c 34 § 98; 1971 ex.s. c 189 § 2.]

Notes:

Reviser's note: This section was amended by 1989 c 11 § 14 and by 1989 1st ex.s. c 9 § 214, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability--1989 c 11: See note following RCW 9A.56.220.

Effective date--1981 c 151: See note following RCW 43.20A.680.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.20A.365 Drug reimbursement policy recommendations.

Applicable Cases

A committee or council required by federal law, within the department of social and health services, that makes policy recommendations regarding reimbursement for drugs under the requirements of federal law or regulations is subject to chapters 42.30 and 42.32 RCW.

[1997 c 430 § 2.]

RCW 43.20A.370 State advisory committee to department--Created--Membership--Terms--Vacancies.

Applicable Cases

There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than twenty

members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. In selecting members of the committee, the governor shall provide for a reasonable age, sex, ethnic, and geographic balance from throughout the state. A broad range of interests, including business owners, professions, labor, local government, and consumers should be considered for membership. The members of the committee shall serve three years. Appointments to fill a vacant unexpired term shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive full terms. An unexpired term is considered a full term when one-half or more of the regular term is served. A member of the state advisory committee with two unexcused absences in a twelve-month period shall be deemed to have vacated the position held on the state advisory committee.

[1988 c 49 § 1; 1984 c 259 § 2; 1971 ex.s. c 189 § 13.]

RCW 43.20A.375 State advisory committee to department--Powers and duties.

Applicable Cases

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) To review and make recommendations as to the continued operation, possible consolidation, or elimination of department advisory committees including those required by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes.

(4) To encourage public awareness and understanding of the department of social and health services and the department's programs and services.

(5) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees.

(6) To encourage each regional advisory committee established under RCW 43.20A.360 to send a representative to regular state advisory committee meetings to foster communication between the regional advisory committees and: (a) The state advisory committee, and (b) headquarters of the department.

[1999 c 372 § 6; 1988 c 49 § 2; 1984 c 259 § 3; 1971 ex.s. c 189 § 14.]

RCW 43.20A.380 State advisory committee to department--Travel expenses.

Applicable Cases

Members of the state advisory committee shall be reimbursed for travel expenses in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1975-'76 2nd ex.s. c 34 § 99; 1971 ex.s. c 189 § 15.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.20A.390 Per diem or mileage--Limitation.

Applicable Cases

Notwithstanding any other provision of *this act, no person shall receive as compensation or reimbursement for per diem or mileage authorized in *this act any amount that would exceed the per diem or mileage provided in RCW 43.03.050 and 43.03.060.

[1971 ex.s. c 189 § 16.]

Notes:

***Reviser's note:** "This act" [1971 ex.s. c 189] consists of the 1971 amendments to RCW 18.20.090, 18.45.130, 43.61.030, 43.61.040, 43.61.060, 70.41.020, 70.41.030, 70.98.050, 72.60.270, 72.60.280; the enactment of RCW 43.20A.350 through 43.20A.390; and the repeal of RCW 18.20.080, 18.45.520 through 18.45.540, 43.20A.230, 43.61.010, 43.61.020, 69.30.040, 70.40.050, 70.41.050 through 70.41.070, 70.98.060, 72.01.250, 72.05.180, 72.05.190, 74.32.010 through 74.32.900, 74.36.010 through 74.36.040.

RCW 43.20A.400 Purchase of services from public or nonprofit agencies--Utilization of nonappropriated funds.

Applicable Cases

Notwithstanding any other provisions of law, the secretary of the department of social and health services is authorized to utilize nonappropriated funds made available to the department, in order to compliment the social and health services programs of the department by purchase of services from public or nonprofit agencies. The purpose of this authorization is to augment the services presently offered and to achieve pooling of public and nonprofit resources.

[1971 ex.s. c 309 § 1.]

RCW 43.20A.405 Purchase of services from public or nonprofit agencies--Vendor rates--Establishment.

Applicable Cases

After obtaining the review and advice of the governor's advisory committee on vendor rates, the secretary shall establish rates of payment for services which are to be purchased: PROVIDED, That the secretary shall afford all interested persons reasonable opportunity to submit data, views, or arguments, and shall consider fully all submissions respecting the proposed rates. Prior to the establishment of such rates, the secretary shall give at least twenty days notice of such intended action by mail to such persons or agencies as have made timely request of the secretary for advance notice of establishment of such vendor rates. Such rates shall not exceed the amounts reasonable and necessary to assure quality services and shall not exceed the costs reasonably assignable to such services pursuant to cost finding and monitoring procedures to be established by the secretary. Information to support such rates of payment shall be maintained in a form accessible to the public.

[1971 ex.s. c 309 § 2.]

RCW 43.20A.410 Purchase of services from public or nonprofit agencies--Factors to be considered.

Applicable Cases

In determining whether services should be purchased from other public or nonprofit agencies, the secretary shall consider:

- (1) Whether the particular service or services is available or might be developed.
- (2) The probability that program and workload performance standards will be met, by means of the services purchased.
- (3) The availability of reasonably adequate cost finding and performance evaluation criteria.

Nothing in RCW 43.20A.400 through 43.20A.430 is to be construed to authorize reduction in state employment in service component areas presently rendering such services.

[1971 ex.s. c 309 § 3.]

RCW 43.20A.415 Purchase of services from public or nonprofit agencies--Retention of basic responsibilities by secretary.

Applicable Cases

When, pursuant to RCW 43.20A.400 through 43.20A.430, the secretary elects to purchase a service or services, he shall retain continuing basic responsibility for:

- (1) Determining the eligibility of individuals for services;
- (2) The selection, quality, effectiveness, and execution of a plan or program of services suited to the need of an individual or of a group of individuals; and
- (3) Measuring the cost effectiveness of purchase of services.

[1971 ex.s. c 309 § 4.]

RCW 43.20A.420 Purchase of services from public or nonprofit agencies--Secretary to provide consultative, technical and development services to suppliers--Review of services.

Applicable Cases

The secretary shall work with the suppliers of purchased services by:

- (1) Providing consultation and technical assistance;
- (2) Monitoring and periodically reviewing services in order to assure satisfactory performance including adherence to state prescribed workload and quality standards; and
- (3) Developing new and more effective and efficient approaches to and methods of delivering services.

[1971 ex.s. c 309 § 5.]

RCW 43.20A.425 Purchase of services from public or nonprofit agencies--Qualifications of vendors.

Applicable Cases

The secretary shall assure that sources from which services are purchased are: (1) Licensed, or (2) meet applicable accrediting standards, or (3) in the absence of licensing or accrediting standards, meet standards or criteria established by the secretary to assure quality of service: PROVIDED, That this section shall not be deemed to dispense with any licensing or accrediting requirement imposed by any other provision of law, by any county or municipal ordinance, or by rule or regulation of any public agency.

[1971 ex.s. c 309 § 6.]

RCW 43.20A.430 Purchase of services from public or nonprofit agencies--Retention of sums to pay departmental costs.

Applicable Cases

The secretary shall, if not otherwise prohibited by law, pursuant to agreement between the department and the agency in each contract, retain from such nonappropriated funds sufficient sums to pay for the department's administrative costs, monitoring and evaluating delivery of services, and such other costs as may be necessary to administer the department's responsibilities under RCW 43.20A.400 through 43.20A.430.

[1971 ex.s. c 309 § 7.]

RCW 43.20A.445 State-operated workshops at institutions--Authorized--Standards.

Applicable Cases

The department may establish and operate workshops for the training, habilitation, and rehabilitation of residents of institutions of the department. Products, goods, wares, articles, or merchandise manufactured or produced by the workshops may be sold to governmental agencies or on the open market at fair value. Prior to establishment of new state-operated workshops at institutions, the department shall consider the availability, appropriateness, and relative cost of contracting with and giving first preference to private nonprofit sheltered workshops, as defined in RCW 82.04.385, to provide workshop activities for residents of the institution.

The secretary shall credit the moneys derived from the sale of items from workshops under this section to a revolving fund under the control of the superintendent of the institution or facility where the items were manufactured. These moneys shall be expended for the purchase of supplies and materials for use in the workshop, to provide pay and training incentives for residents, and for other costs of the operation of the workshop. Payment of residents for work performed on workshop projects shall take into account resident productivity in comparison to the productivity of a nondisabled person earning the minimum wage as well as other factors consistent with goals of rehabilitation and treatment. Institutional work training programs shall be operated in accordance with standards required by the department for private vendors for the same or similar service.

Workshop materials and supplies may be purchased through state purchasing or from private vendors. Each institution or facility shall maintain records to demonstrate that purchases are made at the fair market value or best available price.

[1983 1st ex.s. c 41 § 20.]

Notes:

Severability--1983 1st ex.s. c 41: See note following RCW 26.09.060.

RCW 43.20A.550 Federal programs--Rules and regulations--Internal reorganization to meet federal requirements--Statutes to be construed to meet federal law--Conflicting parts deemed inoperative.

Applicable Cases

In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of *this act is declared to be inoperative solely to the extent of the conflict.

[1979 c 141 § 66; 1970 ex.s. c 18 § 66.]

Notes:

***Reviser's note:** "This act" refers to the enactment of RCW 41.06.076, 43.20A.010, 43.20A.020, 43.20A.030, 43.20A.040, 43.20A.050, 43.20A.060, 43.20A.090, 43.20A.110, 43.20A.120, 43.20A.140, 43.20A.180, 43.20A.190, 43.20A.200, 43.20A.210, 43.20A.220, 43.20A.230, 43.20A.300, 43.20A.310, 43.20A.320, 43.20A.500, 43.20A.505, 43.20A.510, 43.20A.515, 43.20A.520, 43.20A.525, 43.20A.550, 43.20A.900, 43.20A.910, and 43.20A.920 and to the 1970 ex.s. c 18 amendments to RCW 28.10.010, 28.10.080, 28.85.160, 28.85.220, 28A.10.010, 28A.10.080, 28B.50.160, 28B.50.220, 43.17.010, 43.17.020, 43.20.030, 43.61.010, 43.61.020, 43.61.030, 43.61.040, 43.61.050, 43.61.070, 70.98.050, 70.98.060, 70.98.070, 72.01.010, 72.01.042, 72.01.043, 72.02.040, 72.05.020, 72.06.010, 74.15.060, 74.32.051, 74.32.053, 74.36.010, 74.36.020, 74.36.030, 74.36.040, and 74.36.100.

RCW 43.20A.605 Authority to administer oaths and issue subpoenas--Provisions governing subpoenas.

Applicable Cases

(1) The secretary shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before him together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings are governed by RCW 34.05.588(1).

(3) Subpoenas issued in the conduct of investigations required or authorized by other

statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by RCW 34.05.588(2).

[1989 c 175 § 97; 1983 1st ex.s. c 41 § 21; 1979 c 141 § 47; 1967 ex.s. c 102 § 2. Formerly RCW 43.20.015.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Severability--1983 1st ex.s. c 41: See note following RCW 26.09.060.

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20A.607 Authority to appoint a single executive officer for multiple institutions--Exception.

Applicable Cases

The secretary may appoint one individual to serve as chief executive officer, administrator, or superintendent for more than one facility or institution of the department where one or both facilities or institutions are required by law to have a chief executive officer, administrator, or superintendent. This section, however, shall not apply to RCW 72.40.020.

[1983 1st ex.s. c 41 § 25.]

Notes:

Severability--1983 1st ex.s. c 41: See note following RCW 26.09.060.

Chief executive officers--Appointment: RCW 72.01.060.

RCW 43.20A.610 Employment of deputies, experts, physicians, etc.

Applicable Cases

The secretary may appoint and employ such deputies, scientific experts, physicians, nurses, sanitary engineers, and other personnel including consultants, and such clerical and other assistants as may be necessary to carry on the work of the department of social and health services.

[1979 c 141 § 48; 1967 ex.s. c 102 § 8; 1965 c 8 § 43.20.040. Prior: 1961 ex.s. c 5 § 1; 1921 c 7 § 57; RRS § 10815. Formerly RCW 43.20.040.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20A.635 Services to crippled children.

Applicable Cases

It shall be the duty of the secretary of social and health services and he shall have the power to establish and administer a program of services for children who are crippled or who are suffering from physical conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; to supervise the administration of those services, included in the program, which are not administered directly by it; to extend and improve any such services, including those in existence on April 1, 1941; to cooperate with medical, health, nursing, and welfare groups and

organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children; to cooperate with the federal government, through its appropriate agency or instrumentality in developing, extending, and improving such services; and to receive and expend all funds made available to the department by the federal government, the state or its political subdivisions or from other sources, for such purposes.

[1979 c 141 § 52; 1965 c 8 § 43.20.130. Prior: 1941 c 129 § 1; Rem. Supp. 1941 § 9992-107a; prior: 1937 c 114 § 7. Formerly RCW 74.12.210; 43.20.130.]

Notes:

Children's center for research and training in mental retardation, assistant secretaries as members of advisory committee: RCW 28B.20.412.

Handicapped children, copy of commitment order transmitted to department: RCW 26.40.060.

RCW 43.20A.637 Services to crippled children--Rules and regulations.

Applicable Cases

See RCW 43.20.140.

RCW 43.20A.660 Reports of violations by secretary--Duty of attorney general, prosecuting attorney or city attorney to institute proceedings--Notice to alleged violator.

Applicable Cases

(1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the secretary reports any violation of chapter 43.20A RCW, or regulations promulgated thereunder, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of chapter 43.20A RCW is reported by the secretary to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views to the secretary, either orally or in writing, with regard to such contemplated proceeding.

[1989 1st ex.s. c 9 § 215; 1979 c 141 § 57; 1967 ex.s. c 102 § 7. Formerly RCW 43.20.190.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.20A.680 State council on aging established.

Applicable Cases

The state council on aging is hereby established as an advisory council to the governor, the secretary of social and health services, and the office of aging or any other office solely designated as the state unit on aging. The state council on aging may be designated by the governor to serve as the state advisory council to the state unit on aging with respect to federally funded programs as required by federal regulation. The director of the state unit on aging shall provide appropriate staff support.

[1981 c 151 § 1.]

Notes:

Effective date--1981 c 151: "This act shall take effect September 1, 1981." [1981 c 151 § 8.]

RCW 43.20A.685 State council on aging--Membership--Terms--Vacancies--Chairperson--Secretary--Compensation of legislative members.

Applicable Cases

(1) The initial members of the council shall be appointed by the governor to staggered terms such that approximately one-third of the members serve terms of one year, one-third serve terms of two years, and one-third serve terms of three years. Thereafter, members of the council shall be appointed by the governor to terms of three years, except in the case of a vacancy, in which event appointment shall be for the remainder of the unexpired term for which the vacancy occurs. No member of the council may serve more than two consecutive three-year terms. One member shall be appointed from each state-designated planning and service area from a list of names transmitted by each area agency on aging advisory council, such list including the names of all persons nominated within the planning and service area together with the area agency on aging advisory council's recommendations. The governor shall appoint one additional member from names submitted by the association of Washington cities and one additional member from names submitted by the Washington state association of counties. In addition, the governor may appoint not more than five at large members, in order to ensure that rural areas (those areas outside of a standard metropolitan statistical area), minority populations, and those individuals with special skills which could assist the state council are represented. The members of the state council on aging shall elect, at the council's initial meeting and at the council's first meeting each year, one member to serve as chairperson of the council and another member to serve as secretary of the council.

(2) The speaker of the house of representatives and the president of the senate shall each appoint two nonvoting members to the council; one from each of the two largest caucuses in each house. The terms of the members so appointed shall be for approximately two years and the terms shall expire before the first day of the legislative session in odd-numbered years. They shall be compensated by their respective houses as provided under RCW 44.04.120, as now or hereafter amended.

(3) With the exception of the members from the Washington state association of cities, the Washington state association of counties, and the nonvoting legislative members, all members of the council shall be at least fifty-five years old.

[1981 c 151 § 2.]

Notes:

Effective date--1981 c 151: See note following RCW 43.20A.680.

RCW 43.20A.690 State council on aging--Meetings--Compensation of nonlegislative

members.

Applicable Cases

The state council on aging shall meet monthly unless determined otherwise by a majority vote of the members, which vote shall be taken at a regular meeting of the council. Nonlegislative members shall serve without compensation but shall be reimbursed for travel expenses and per diem in the performance of their duties as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1981 c 151 § 3.]

Notes:

Effective date--1981 c 151: See note following RCW 43.20A.680.

RCW 43.20A.695 State council on aging--Powers and duties--Bylaws.

Applicable Cases

(1) The state council on aging has the following powers and duties:

(a) To serve in an advisory capacity to the governor, the secretary of social and health services, and the state unit on aging on all matters pertaining to policies, programs, and services affecting older persons;

(b) To create public awareness of the special needs and potentialities of older persons;
and

(c) To provide for self-advocacy by older citizens of the state through sponsorship of training, legislative and other conferences, workshops, and such other methods as may be deemed appropriate.

(2) The council shall establish bylaws to aid in the performance of its powers and duties.

[1981 c 151 § 4.]

Notes:

Effective date--1981 c 151: See note following RCW 43.20A.680.

RCW 43.20A.710 Supervision, care, or treatment of children or individuals with mental illness, mental impairment, or physical or developmental disabilities--Investigation of conviction records or pending charges of state employees and individual providers.

Applicable Cases

(1) The secretary shall investigate the conviction records, pending charges or disciplinary board final decisions of:

(a) Persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or individuals with mental illness or developmental disabilities; and

(b) Individual providers who are paid by the state for in-home services and hired by individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment, including but not limited to services provided under chapter 74.39A RCW.

(2) The investigation may include an examination of state and national criminal

identification data. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants.

(3) The secretary shall provide the results of the state background check on individual providers to the individuals with physical disabilities, developmental disabilities, mental illness, or mental impairment or to their legal guardians, if any, for their determination of the character, suitability, and competence of the applicants. If an individual elects to hire or retain an individual provider after receiving notice from the department that the applicant has a conviction for an offense that would disqualify the applicant from employment with the department, then the secretary shall deny payment for any subsequent services rendered by the disqualified individual provider.

(4) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

[1999 c 336 § 7; 1997 c 392 § 525; 1993 c 210 § 1; 1989 c 334 § 13; 1986 c 269 § 1.]

Notes:

Finding--Intent--1999 c 336: See note following RCW 74.39.007.

Short title--Findings--Construction--Conflict with federal requirements--Part headings and captions not law--1997 c 392: See notes following RCW 74.39A.009.

Prospective application--1993 c 210: "This act applies prospectively except individuals who currently employ individual providers paid by the state may be given the option to request a state background check during reassessment for services." [1993 c 210 § 2.]

Children or vulnerable adults: RCW 43.43.830 through 43.43.842.

State employment in the supervision, care, or treatment of children or developmentally disabled persons--Rules on background investigation: RCW 41.06.475.

State hospitals: RCW 72.23.035.

RCW 43.20A.720 Telecommunications devices and services for the hearing and speech impaired--Definitions.

Applicable Cases

"Hearing impaired" means those persons who are certified to be deaf, deaf-blind, or hard of hearing, and those persons who are certified to have a hearing disability limiting their access to telecommunications.

"Speech impaired" means persons who are certified to be unable to speak or who are certified to have a speech impairment limiting their access to telecommunications.

"Text telephone (TT)," formerly known as a telecommunications device for the deaf (TDD) means a telecommunications device that has a typewriter or computer keyboard and a readable display that couples with the telephone, allowing messages to be typed rather than spoken. The device allows a person to make a telephone call directly to another person possessing similar equipment. The conversation is typed through one machine to the other machine instead of spoken.

"Telecommunications relay service (TRS)" is a service for hearing and speech impaired people who have a TT to call someone who does not have a TT or vice versa. The service consists of several telephones being utilized by TRS communications assistants who receive

either TT or voice phone calls. If a TRS communications assistant receives a phone call from a hearing or speech impaired person wishing to call a hearing person, the operator will call the hearing person and act as an intermediary by translating what is displayed on the TT to voice and typing what is voiced into the TT to be read by the hearing or speech impaired caller. This process can also be reversed with a hearing person calling a deaf person through the telecommunications relay service. "TRS program" as used in this chapter includes both the relay function and TTs.

"Qualified trainer" is a person who is knowledgeable about TTs, signal devices, and amplifying accessories; familiar with the technical aspects of equipment designed to meet hearing impaired people's needs; and is fluent in American sign language.

"Qualified contractor" shall have staff bilingual in American sign language and standard English available for quality language/cultural interpretations; quality training of operators; and policies, training, and operational procedures to be determined by the office.

"The department" means the department of social and health services of the state of Washington.

"Office" means the office of deaf services within the state department of social and health services.

[1992 c 144 § 2; 1990 c 89 § 2; 1987 c 304 § 2.]

Notes:

Legislative findings--1992 c 144: "The legislature finds that the state of Washington has shown national leadership in providing telecommunications access for the hearing impaired and speech impaired communities. The legislature further finds that the federal Americans with Disabilities Act requires states to further enhance telecommunications access for disabled persons and that the state should be positioned to allow this service to be delivered with fairness, flexibility, and efficiency." [1992 c 144 § 1.]

Severability--1992 c 144: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 144 § 6.]

Legislative finding--1990 c 89: "The legislature finds that provision of telecommunications devices and relay capability for hearing impaired persons is an effective and needed service which should be continued. The legislature further finds that the same devices and relay capability can serve and should be extended to serve speech impaired persons." [1990 c 89 § 1.]

Legislative findings--1987 c 304: "The legislature finds that it is more difficult for hearing impaired people to have access to the telecommunications system than hearing persons. It is imperative that hearing impaired people be able to reach government offices and health, human, and emergency services with the same ease as other taxpayers. Regulations to provide telecommunications devices for the deaf with a relay system will help ensure that the hearing impaired community has equal access to the public accommodations and telecommunications system in the state of Washington in accordance with chapter 49.60 RCW." [1987 c 304 § 1.]

Relation to other telecommunications device systems--1987 c 304: "Nothing in RCW 43.20A.725 and 43.20A.730 is inconsistent with any telecommunications device systems created by county legislative authorities under RCW 70.54.180. To the extent possible, the office, utilities and transportation commission, the TDD advisory committee, and any other persons or organizations implementing the provisions of RCW 43.20A.725 and 43.20A.730 will use the telecommunications devices already in place and work with county governments in ensuring that no duplication of services occurs." [1987 c 304 § 5.]

Short title--1987 c 304: "This act shall be known as the "Clyde Randolph Ketchum Act"." [1987 c 304 §

6.]

RCW 43.20A.725 Telecommunications devices for the hearing and speech impaired--Program for provision of devices--Generally--TRS excise tax.

Applicable Cases

(1) The department shall maintain a program whereby TTs, signal devices, and amplifying accessories capable of serving the needs of the hearing and speech impaired shall be provided under the standards established in subsection (10) of this section to an individual of school age or older:

(a) Who is certified as hearing impaired by a licensed physician, audiologist, or a qualified state agency, and to any subscriber that is an organization representing the hearing impaired, as determined and specified by the TRS program advisory committee; or

(b) Who is certified as speech impaired by a licensed physician, speech pathologist, or a qualified state agency, and to any subscriber that is an organization representing the speech impaired, as determined and specified by the TRS program advisory committee.

For the purpose of this section, certification implies that individuals cannot use the telephone for expressive or receptive communications due to hearing or speech impairment.

(2) The office shall award contracts on a competitive basis, to qualified persons for which eligibility to contract is determined by the office, for the distribution and maintenance of such TTs, signal devices, and amplifying accessories as shall be determined by the office. When awarding such contracts, the office may consider the quality of equipment and, with the director's approval, may award contracts on a basis other than cost. Such contracts may include a provision for the employment and use of a qualified trainer and the training of recipients in the use of such devices.

(3) The office shall establish and implement a policy for the ultimate responsibility for recovery of TTs, signal devices, and amplifying accessories from recipients who have been provided with the equipment without cost and who are moving from this state or who for other reasons are no longer using them.

(4) Pursuant to recommendations of the TRS program advisory committee, until July 26, 1993, the office shall maintain a program whereby a relay system will be provided state-wide using operator intervention to connect hearing impaired and speech impaired persons and offices or organizations representing the hearing impaired and speech impaired, as determined and specified by the TDD advisory committee pursuant to *RCW 43.20A.730. The relay system shall be the most cost-effective possible and shall operate in a manner consistent with federal requirements for such systems.

(5) Pursuant to the recommendations of the TDD task force report of December 1991, and with the express purpose of maintaining state control and jurisdiction, the office shall seek certification by the federal communications commission of the state-wide relay service.

(6) The office shall award contracts for the operation and maintenance of the state-wide relay service. The initial contract shall be for service commencing on or before July 26, 1993. The contract shall be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered

telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as a registered telecommunications company prior to final contract approval.

(7) The program shall be funded by a telecommunications relay service (TRS) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the TRS program advisory committee, the budget needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. The budget proposed by the office, together with documentation and supporting materials, shall be submitted to the office of financial management for review and approval. The approved budget shall be given by the department in an annual budget to the utilities and transportation commission no later than March 1 prior to the beginning of the fiscal year. The utilities and transportation commission shall then determine the amount of TRS excise tax to be placed on each access line and shall inform each local exchange company of this amount no later than May 15. The utilities and transportation commission shall determine the amount of TRS excise tax by dividing the total of the program budget, as submitted by the office, by the total number of access lines, and shall not exercise any further oversight of the program under this subsection. The TRS excise tax shall not exceed nineteen cents per month per access line. Each local exchange company shall impose the amount of excise tax determined by the commission as of July 1, and shall remit the amount collected directly to the department on a monthly basis. The TRS excise tax shall be separately identified on each ratepayer's bill with the following statement: "Funds federal ADA requirement." All proceeds from the TRS excise tax shall be put into a fund to be administered by the office through the department.

(8) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services in accordance with the provisions of RCW 43.20A.725.

(9) The program shall be consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the deaf or hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

(10)(a) The department shall provide TTs, signal devices, and amplifying accessories to a person eligible under subsection (1) of this section at no charge in addition to the basic exchange rate if:

(i) The person is eligible for participation in the Washington telephone assistance program under RCW 80.36.470;

(ii) The person's annual family income is equal to or less than one hundred sixty-five percent of the federal poverty level; or

(iii) The person is a child eighteen years of age or younger with a family income less than or equal to two hundred percent of the federal poverty level.

(b) A person eligible under subsection (1) of this section with a family income greater

than one hundred sixty-five percent and less than or equal to two hundred percent of the federal poverty level shall be assessed a charge for the cost of TTs, signal devices, and amplifying accessories based on a sliding scale of charges established by rule adopted by the department.

(c) The department shall charge a person eligible under subsection (1) of this section whose income exceeds two hundred percent of the federal poverty level the cost to the department of purchasing the equipment provided to that person.

(d) The department may waive part or all of the charges assessed under this subsection if the department finds that (i) the eligible person requires telebraille equipment or other equipment of similar cost and (ii) the charges normally assessed for the equipment under this subsection would create an exceptional or undue hardship on the eligible person.

(e) For the purposes of this subsection, certification of family income by the eligible person or the person's guardian or head of household is sufficient to determine eligibility.

[1998 c 245 § 59; 1993 c 425 § 1; 1992 c 144 § 3; 1990 c 89 § 3; 1987 c 304 § 3.]

Notes:

***Reviser's note:** RCW 43.20A.730 was repealed by 1995 c 269 § 1601, effective July 1, 1995.

Effective date--1993 c 425: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993]." [1993 c 425 § 2.]

Legislative findings--Severability--1992 c 144: See notes following RCW 43.20A.720.

Legislative finding--1990 c 89: See note following RCW 43.20A.720.

RCW 43.20A.750 Grants for services in rural natural resources impact areas--Funding--Family support centers--Rural natural resources impact area defined.

Applicable Cases

(1) The department of social and health services shall help families and workers in rural natural resources impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency rural community assistance task force and, where appropriate, under an interagency agreement with the department of community, trade, and economic development, shall provide grants through the office of the secretary for services to the unemployed in rural natural resources impact areas and to dislocated salmon fishing workers as defined in RCW 43.63A.021 who live in urban areas of qualifying rural natural resource impact counties, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the agency rural community assistance task force which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be

used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (6) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (6) of this section;
or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (6) of this section.

(6) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

[1997 c 367 § 16. Prior: 1995 c 269 § 1901; 1995 c 226 § 25; 1993 c 280 § 38; 1992 c 21 § 4; 1991 c 315 § 28.]

Notes:

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Intent--1991 c 315: See note following RCW 50.12.270.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.20A.770 Administration of statutes applicable to runaway youth, at-risk youth, and families in conflict--Consistency required.

Applicable Cases

The department shall ensure that the administration of chapter 13.32A RCW and applicable portions of chapter 74.13 RCW relating to runaway youth, at-risk youth, and families in conflict is consistent in all areas of the state and in accordance with statutory requirements.

[1991 c 364 § 6.]

Notes:

Conflict with federal requirements--1991 c 364: See note following RCW 70.96A.020.

RCW 43.20A.780 Administration of family services and programs.

Applicable Cases

The secretary shall administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

[1992 c 198 § 9.]

Notes:

Severability--Effective date--1992 c 198: See RCW 70.190.910 and 70.190.920.

RCW 43.20A.790 Homeless families with children--Shelter and housing services.

Applicable Cases

(1) The department shall collaborate with the department of community, trade, and economic development in the development of the coordinated and comprehensive plan for homeless families with children required under RCW 43.63A.650, which designates the department of community, trade, and economic development as the state agency with primary responsibility for providing shelter and housing services to homeless families with children. In fulfilling its responsibilities to collaborate with the department of community, trade, and economic development pursuant to RCW 43.63A.650, the department shall develop, administer, supervise, and monitor its portion of the plan. The department's portion of the plan shall contain at least the following elements:

- (a) Coordination or linkage of services with shelter and housing;
- (b) Accommodation and addressing the needs of homeless families in the design and administration of department programs;
- (c) Participation of the department's local offices in the identification, assistance, and

referral of homeless families; and

(d) Ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

(2) The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan.

(3) The duties under this section shall be implemented within amounts appropriated for that specific purpose by the legislature in the operating and capital budgets.

[1999 c 267 § 2.]

Notes:

Findings--Intent--1999 c 267: "The legislature finds that homelessness for families with children is a serious, widespread problem that has a devastating effect on children, including significant adverse effects upon their growth and development. Planning for and serving the shelter and housing needs of homeless families with children has been and continues to be a responsibility of the department of community, trade, and economic development. The legislature further finds that the department of social and health services also plays an important role in addressing the service needs of homeless families with children. In order to adequately and effectively address the complex issues confronting homeless families with children, planning for, implementing, and evaluating such services must be a collaborative effort between the department of community, trade, and economic development and the department of social and health services, other local, state, and federal agencies, and community organizations. It is the intent of the legislature that the department of community, trade, and economic development and the department of social and health services jointly present the plan to the appropriate committees of the legislature as required in section 3 of this act. It is the intent of the legislature that children should not be placed or retained in the foster care system if family homelessness is the primary reason for placement or the continuation of their placement. It is the further intent of the legislature that services to homeless families with children shall be provided within funds appropriated for that specific purpose by the legislature in the operating and capital budgets. Nothing in this act is intended to prevent the court's review of the plan developed by the department of social and health services and the department of community, trade, and economic development under *Washington State Coalition for the Homeless v. Department of Social and Health Services*, King County Superior Court No. 91-2-15889-4. However, it is the intent of the legislature that the court's review in that proceeding be confined solely to review of the plan submitted under the order of February 4, 1998. Nothing in sections 1 through 10 of this act is intended to grant the court in this proceeding continuing review over the department of social and health services after July 25, 1999." [1999 c 267 § 1.]

Severability--1999 c 267: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 267 § 25.]

RCW 43.20A.800 Vision services for the homeless--Coordination.

Applicable Cases

The secretary of the department of social and health services shall coordinate the efforts of nonprofit agencies working with the homeless, the Washington academy of eye physicians and surgeons, the Washington optometric association, and the opticians association of Washington to deliver vision services to the homeless free of charge. The secretary shall enter into agreements identifying cooperating agencies and the circumstances under which specified services will be delivered.

[1993 c 96 § 2.]

Notes:

Findings--1993 c 96: "The legislature finds that many homeless people in the state of Washington have impaired eyesight that reduces their chances of obtaining employment or training for employment. The legislature finds that it is in the public interest to facilitate ophthalmologists, optometrists, and opticians in providing free vision services to homeless people of the state." [1993 c 96 § 1.]

RCW 43.20A.810 Vision services for the homeless--Funding.

Applicable Cases

To the extent consistent with the department's budget, the secretary shall pay for the eyeglasses hardware prescribed and dispensed pursuant to the program set up in RCW 43.20A.800 through 43.20A.840. The secretary shall also attempt to obtain private sector funding for this program.

[1993 c 96 § 3.]

Notes:

Findings--1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.820 Vision services for the homeless--Use of used eyeglass frames by providers.

Applicable Cases

Ophthalmologists, optometrists, and dispensing opticians may utilize used eyeglass frames obtained through donations to this program.

[1993 c 96 § 4.]

Notes:

Findings--1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.830 Vision services for the homeless--Provider liability.

Applicable Cases

An ophthalmologist, optometrist, or dispensing optician who provides:

(1) Free vision services; or

(2) Eyeglasses, or any part thereof, including used frames, at or below retail cost to homeless people in the state of Washington

and who is not reimbursed for such services or eyeglasses as allowed for in RCW 43.20A.840, is not liable for civil damages for injury to a homeless person resulting from any act or omission in providing such services or eyeglasses, other than an act or omission constituting gross negligence or intentional conduct.

[1993 c 96 § 5.]

Notes:

Findings--1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.840 Vision services for the homeless--Third party payers.

Applicable Cases

Nothing in RCW 43.20A.800 through 43.20A.840 shall prevent ophthalmologists, optometrists, or dispensing opticians from collecting for either their goods or services, or both from third-party payers covering the goods or services for homeless persons.

[1993 c 96 § 6.]

Notes:

Findings--1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.845 Vision services for the homeless--Program name.

Applicable Cases

The program created in RCW 43.20A.800 through 43.20A.840 shall be known as the eye care for the homeless program in Washington.

[1993 c 96 § 7.]

Notes:

Findings--1993 c 96: See note following RCW 43.20A.800.

RCW 43.20A.850 Group homes--Availability of evaluations and data.

Applicable Cases

The secretary of social and health services shall make all of the department's evaluation and research materials and data on private nonprofit group homes available to group home contractors. The department may delete any information from the materials that identifies a specific client or contractor, other than the contractor requesting the materials.

[1994 sp.s. c 7 § 322.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.20A.860 Requirement to seek federal waivers and state law changes to medical assistance program.

Applicable Cases

The department of social and health services, in consultation with the health care authority, the office of financial management, and other appropriate state agencies, shall seek necessary federal waivers and state law changes to the medical assistance program of the department to achieve greater coordination in financing, purchasing, and delivering health services to low-income residents of Washington state in a cost-effective manner, and to expand access to care for these low-income residents. Such waivers shall include any waiver needed to require that point-of-service cost-sharing, based on recipient household income, be applied to medical assistance recipients. In negotiating the waiver, consideration shall be given to the degree to which benefits in addition to the minimum list of services should be offered to medical

assistance recipients.

[1995 c 265 § 26.]

Notes:

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

RCW 43.20A.870 Children's services--Annual quality assurance report.

Applicable Cases

The department shall prepare an annual quality assurance report that shall include but is not limited to: (1) Performance outcomes regarding health and safety of children in the children's services system; (2) children's length of stay in out-of-home placement from each date of referral; (3) adherence to permanency planning timelines; and (4) the response time on child protective services investigations differentiated by risk level determined at intake.

[1999 c 372 § 7; 1997 c 386 § 47.]

RCW 43.20A.930 Effective date--Severability--1970 ex.s. c 18.

Applicable Cases

See notes following RCW 43.20A.010.

Chapter 43.20B RCW

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CONSTRUCTION

43.20B.900	Savings--1987 c 75.
43.20B.901	Severability--1987 c 75.

GENERAL PROVISIONS

RCW 43.20B.010 Definitions.

Applicable Cases

The definitions in this section apply throughout this chapter:

- (1) "Department" means the department of social and health services.
- (2) "Secretary" means the secretary of the department of social and health services.
- (3) "License" means that exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forbear certain activities. The term includes licenses, permits, certifications, registrations, and other similar terms.
- (4) "Vendor" means an entity that provides goods or services to or for clientele of the department and that controls operational decisions.
- (5) "Overpayment" means any payment or benefit to a recipient or to a vendor in excess of that to which is entitled by law, rule, or contract, including amounts in dispute.

[1987 c 75 § 42.]

RCW 43.20B.020 Fees for services--Department of health and department of social and health services.

Applicable Cases

The department of social and health services and the department of health are authorized to charge fees for services provided unless otherwise prohibited by law. The fees may be sufficient to cover the full cost of the service provided if practical or may be charged on an ability-to-pay basis if practical. This section does not supersede other statutory authority enabling the assessment of fees by the departments. Whenever the department of social and health services is authorized by law to collect total or partial reimbursement for the cost of its providing care of or exercising custody over any person, the department shall collect the reimbursement to the extent practical.

[1991 c 3 § 295; 1981 1st ex.s. c 6 § 25. Formerly RCW 43.20A.670.]

Notes:

Effective date--Severability--1981 1st ex.s. c 6: See notes following RCW 74.04.005.

RCW 43.20B.030 Overpayments and debts due the department--Time limit--Write-offs and compromises--Report to legislative committees.

Applicable Cases

(1) Except as otherwise provided by law, there will be no collection of overpayments and other debts due the department after the expiration of six years from the date of notice of such overpayment or other debt unless the department has commenced recovery action in a court of law or unless an administrative remedy authorized by statute is in place. However, any amount due in a case thus extended shall cease to be a debt due the department at the expiration of ten years from the date of the notice of the overpayment or other debt unless a court-ordered remedy would be in effect for a longer period.

(2)(a) The department, at any time, may accept offers of compromise of disputed claims or may grant partial or total write-off of any debt due the department if it is no longer cost-effective to pursue. The department shall adopt rules establishing the considerations to be made in the granting or denial of a partial or total write-off of debts.

(b) Beginning December 1, 1997, the department shall report by December 1 each year to the commerce and labor committees of the senate and house of representatives, the senate ways and means committee, and the house appropriations committee, or successor committees, the following information:

- (i) The cumulative amount of debt due the department;
- (ii) The cumulative amount of debt that has been written off by the department as no longer cost-effective to pursue;
- (iii) The amount of debt due the department that has accrued in each of the previous five fiscal years; and
- (iv) The amount of debt that has been written off in each of the previous five fiscal years as no longer cost-effective to pursue.

[1997 c 130 § 5; 1989 c 78 § 4; 1987 c 283 § 6; 1979 c 141 § 308; 1965 ex.s. c 91 § 2. Formerly RCW 74.04.306.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.

RCW 43.20B.040 Chapter does not apply where another party liable--Statement of lien--Form.

Applicable Cases

The form of the lien in RCW 43.20B.060 shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of Social and Health Services, has rendered assistance or provided residential care to, a person who was injured on or about the day of in the county of state of, and the said department hereby asserts a lien, to the extent provided in RCW 43.20B.060, for the amount of

[1990 c 100 § 4; 1969 ex.s. c 173 § 12. Formerly RCW 74.09.186.]

Notes:

Application--1990 c 100 §§ 2, 4, 7(1), 8(2): See note following RCW 43.20B.060.

RCW 43.20B.060 Reimbursement for medical care or residential care--Lien--Subrogation--Delegation of lien and subrogation rights.

Applicable Cases

(1) To secure reimbursement of any assistance paid under chapter 74.09 RCW or reimbursement for any residential care provided by the department at a hospital for the mentally ill or habilitative care center for the developmentally disabled, as a result of injuries to or illness of a recipient caused by the negligence or wrong of another, the department shall be subrogated to the recipient's rights against a tortfeasor or the tortfeasor's insurer, or both.

(2) The department shall have a lien upon any recovery by or on behalf of the recipient from such tortfeasor or the tortfeasor's insurer, or both to the extent of the value of the assistance paid or residential care provided by the department, provided that such lien shall not be effective against recoveries subject to wrongful death when there are surviving dependents of the deceased. The lien shall become effective upon filing with the county auditor in the county where the assistance was authorized or where any action is brought against the tortfeasor or insurer. The lien may also be filed in any other county or served upon the recipient in the same manner as a civil summons if, in the department's discretion, such alternate filing or service is necessary to secure the department's interest. The additional lien shall be effective upon filing or service.

(3) The lien of the department shall be upon any claim, right of action, settlement proceeds, money, or benefits arising from an insurance program to which the recipient might be entitled (a) against the tortfeasor or insurer of the tortfeasor, or both, and (b) under any contract of insurance purchased by the recipient or by any other person providing coverage for the illness or injuries for which the assistance or residential care is paid or provided by the department.

(4) If recovery is made by the department under this section and the subrogation is fully or partially satisfied through an action brought by or on behalf of the recipient, the amount paid to the department shall bear its proportionate share of attorneys' fees and costs.

(a) The determination of the proportionate share to be borne by the department shall be based upon:

- (i) The fees and costs approved by the court in which the action was initiated; or
- (ii) The written agreement between the attorney and client which establishes fees and costs when fees and costs are not addressed by the court.

(b) When fees and costs have been approved by a court, after notice to the department, the department shall have the right to be heard on the matter of attorneys' fees and costs or its proportionate share.

(c) When fees and costs have not been addressed by the court, the department shall receive at the time of settlement a copy of the written agreement between the attorney and client which establishes fees and costs and may request and examine documentation of fees and costs

associated with the case. The department may bring an action in superior court to void a settlement if it believes the attorneys' calculation of its proportionate share of fees and costs is inconsistent with the written agreement between the attorney and client which establishes fees and costs or if the fees and costs associated with the case are exorbitant in relation to cases of a similar nature.

(5) The rights and remedies provided to the department in this section to secure reimbursement for assistance, including the department's lien and subrogation rights, may be delegated to a managed health care system by contract entered into pursuant to RCW 74.09.522. A managed health care system may enforce all rights and remedies delegated to it by the department to secure and recover assistance provided under a managed health care system consistent with its agreement with the department.

[1997 c 236 § 2; 1990 c 100 § 7.]

Notes:

Application--1990 c 100 §§ 2, 4, 7(1), 8(2): "Sections 2, 4, 7(1), and 8(2) of this act apply to all existing claims against third parties for which settlements have not been reached or judgments entered by June 7, 1990." [1990 c 100 § 13.]

RCW 43.20B.070 Torts committed against recipients of state assistance--Duties of attorney representing recipient--Trust account for departmental lien.

Applicable Cases

(1) An attorney representing a person who, as a result of injuries or illness sustained through the negligence or wrong of another, has received, is receiving, or has applied to receive assistance under chapter 74.09 RCW, or residential care provided by the department at a hospital for the mentally ill or habilitative care center for the developmentally disabled, shall:

(a) Notify the department at the time of filing any claim against a third party, commencing an action at law, negotiating a settlement, or accepting a settlement offer from the tortfeasor or the tortfeasor's insurer, or both; and

(b) Give the department thirty days' notice before any judgment, award, or settlement may be satisfied in any action or any claim by the applicant or recipient to recover damages for such injuries or illness.

(2) The proceeds from any recovery made pursuant to any action or claim described in RCW 43.20B.060 that is necessary to fully satisfy the department's lien against recovery shall be placed in a trust account or in the registry of the court until the department's lien is satisfied.

[1999 c 55 § 1; 1990 c 100 § 8.]

Notes:

Application--1990 c 100 §§ 2, 4, 7(1), 8(2): See note following RCW 43.20B.060.

RCW 43.20B.080 Recovery for paid medical assistance--Rules--Disclosure of estate recovery costs, terms, and conditions.

Applicable Cases

(1) The department shall file liens, seek adjustment, or otherwise effect recovery for

medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p.

(2) Liens may be adjusted by foreclosure in accordance with chapter 61.12 RCW.

(3) In the case of an individual who was fifty-five years of age or older when the individual received medical assistance, the department shall seek adjustment or recovery from the individual's estate, and from nonprobate assets of the individual as defined by RCW 11.02.005, but only for medical assistance consisting of nursing facility services, home and community-based services, other services that the department determines to be appropriate, and related hospital and prescription drug services. Recovery from the individual's estate, including foreclosure of liens imposed under this section, shall be undertaken as soon as practicable, consistent with 42 U.S.C. Sec. 1396p.

(4) The department shall apply the medical assistance estate recovery law as it existed on the date that benefits were received when calculating an estate's liability to reimburse the department for those benefits.

(5)(a) The department shall establish procedures consistent with standards established by the federal department of health and human services and pursuant to 42 U.S.C. Sec. 1396p to waive recovery when such recovery would work an undue hardship.

(b) Recovery of medical assistance from a recipient's estate shall not include property made exempt from claims by federal law or treaty, including exemption for tribal artifacts that may be held by individual Native Americans.

(6) A lien authorized under subsections (1) through (5) of this section relates back to attach to any real property that the decedent had an ownership interest in immediately before death and is effective as of that date.

(7) The department is authorized to adopt rules to effect recovery under this section. The department may adopt by rule later enactments of the federal laws referenced in this section.

(8) It is the responsibility of the department to fully disclose in advance verbally and in writing, in easy to understand language, the terms and conditions of estate recovery to all persons offered long-term care services subject to recovery of payments.

(9) In disclosing estate recovery costs to potential clients, and to family members at the consent of the client, the department shall provide a written description of the community service options.

(10) The department of social and health services shall develop an implementation plan for notifying the client or his or her legal representative at least quarterly of the types of services used and the cost of those services (debt) that will be charged against the estate. The estate planning implementation plan shall be submitted by December 12, 1999, to the appropriate standing committees of the house of representatives and the senate, and to the joint legislative and executive task force on long-term care.

[1999 c 354 § 2; 1997 c 392 § 302; 1995 1st sp.s. c 18 § 67; 1994 c 21 § 3.]

Notes:

Short title--Findings--Construction--Conflict with federal requirements--Part headings and captions not law--1997 c 392: See notes following RCW 74.39A.009.

Conflict with federal requirements--Severability--Effective date--1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Conflict with federal requirements--1994 c 21: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1994 c 21 § 5.]

Effective date--1994 c 21: "This act shall take effect July 1, 1994." [1994 c 21 § 6.]
Legislative confirmation of effect of 1994 c 21: RCW 43.20B.090.

RCW 43.20B.090 Recovery for paid medical assistance and state-funded long-term care--Legislative intent--Legislative confirmation of effect of 1994 c 21.

Applicable Cases

(1) It is the intent of the legislature to ensure that needy individuals have access to basic long-term care without requiring them to sell their homes. In the face of rising medical costs and limited funding for social welfare programs, however, the state's medicaid and state-funded long-term care programs have placed an increasing financial burden on the state. By balancing the interests of individuals with immediate and future unmet medical care needs, surviving spouses and dependent children, adult nondependent children, more distant heirs, and the state, the estate recovery provisions of RCW 43.20B.080 and 74.39A.170 provide an equitable and reasonable method of easing the state's financial burden while ensuring the continued viability of the medicaid and state-funded long-term care programs.

(2) It is further the intent of the legislature to confirm that chapter 21, Laws of 1994, effective July 1, 1994, repealed and substantially reenacted the state's medicaid estate recovery laws and did not eliminate the department's authority to recover the cost of medical assistance paid prior to October 1, 1993, from the estates of deceased recipients regardless of whether they received benefits before, on, or after July 1, 1994.

[1997 c 392 § 301.]

Notes:

Short title--Findings--Construction--Conflict with federal requirements--Part headings and captions not law--1997 c 392: See notes following RCW 74.39A.009.

NONRESIDENTIAL FEES AND COSTS OF SERVICES

RCW 43.20B.110 License fees to be charged by secretary--Waiver--Review and comment.

Applicable Cases

(1) The secretary shall charge fees to the licensee for obtaining a license. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of social and health services advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

(4) Fees associated with the licensing or regulation of health professions or health facilities administered by the department of health, shall be in accordance with RCW 43.70.110 and 43.70.250.

[1991 c 3 § 296; 1989 1st ex.s. c 9 § 216; 1987 c 75 § 6; 1982 c 201 § 2. Formerly RCW 43.20A.055.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.20B.120 Funeral assistance--Lien against assets.

Applicable Cases

If the department furnishes funeral assistance for deceased recipients under *RCW 74.08.120, the department shall have a lien against those assets left to a surviving spouse or minor children under those conditions defined in *RCW 74.08.120. The lien is valid for six years from the date of filing with the county auditor and has preference over the claims of all unsecured creditors. If the assets remain exempt or if no probate is commenced, the lien automatically terminates without further action six years after filing.

[1987 c 75 § 45.]

Notes:

***Reviser's note:** RCW 74.08.120 was repealed by 1997 c 58 § 1002.

RESIDENTIAL SERVICES

RCW 43.20B.310 Residential care payments by families, when not collected.

Applicable Cases

No payment may be collected by the department for residential care if the collection will reduce the income as defined in RCW 74.04.005 of the head of household and remaining dependents below one hundred percent of the need standard for temporary assistance for needy families.

[1997 c 59 § 6; 1983 1st ex.s. c 41 § 34. Formerly RCW 74.04.780.]

Notes:

Severability--1983 1st ex.s. c 41: See note following RCW 26.09.060.

RCW 43.20B.320 Mental illness--Treatment costs--Criminally insane--Liability.

Applicable Cases

Patients hospitalized at state hospitals as criminally insane shall be responsible for payment of hospitalization charges.

[1987 c 75 § 12; 1959 c 25 § 71.02.380. Prior: 1951 c 139 § 62. Formerly RCW 71.02.380.]

Notes:

Criminally insane, reimbursement for costs: RCW 10.77.250.

RCW 43.20B.325 Mental illness--Hospitalization charges--How computed.

Applicable Cases

Charges for hospitalization of patients in state hospitals are to be based on the actual cost of operating such hospitals for the previous year, taking into consideration the overhead expense of operating the hospital and expense of maintenance and repair, including in both cases all salaries of supervision and management as well as material and equipment actually used or expended in operation as computed by the department: PROVIDED, That a schedule of differing hospitalization charges may be computed, including a schedule of charges for outpatient services, considering the costs of care, treatment and maintenance in accordance with the classification of mental illness, type and intensity of treatment rendered, which may vary among and within the several state hospitals. Costs of transportation shall be computed by the department.

[1967 ex.s. c 127 § 1; 1959 c 25 § 71.02.410. Prior: 1951 c 139 § 52. Formerly RCW 71.02.410.]

RCW 43.20B.330 Mental illness--Treatment costs--Liability.

Applicable Cases

Any person admitted or committed to a state hospital for the mentally ill, and their estates and responsible relatives are liable for reimbursement to the state of the costs of hospitalization and/or outpatient services, as computed by the secretary, or his designee, in accordance with RCW 43.20B.325: PROVIDED, That such mentally ill person, and his or her estate, and the husband or wife of such mentally ill person and their estate shall be primarily responsible for reimbursement to the state for the costs of hospitalization and/or outpatient services; and, the parents of such mentally ill person and their estates, until such person has attained the age of eighteen years, shall be secondarily liable.

[1987 c 75 § 13; 1971 ex.s. c 292 § 64; 1967 ex.s. c 127 § 4. Formerly RCW 71.02.411.]

Notes:

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 43.20B.335 Mental illness--Treatment costs--Determination of ability to pay--Standards--Rules and regulations.

Applicable Cases

The department is authorized to investigate the financial condition of each person liable under the provisions of RCW 43.20B.355 and 43.20B.325 through 43.20B.350, and is further authorized to make determinations of the ability of each such person to pay hospitalization charges and/or charges for outpatient services, in accordance with the provisions of RCW 43.20B.355 and 43.20B.325 through 43.20B.350, and, for such purposes, to set a standard as a basis of judgment of ability to pay, which standard shall be recomputed periodically to reflect

changes in the costs of living, and other pertinent factors, and to make provisions for unusual and exceptional circumstances in the application of such standard. Such factors and circumstances shall include judgments owed by the person to any victim of an act that would have resulted in criminal conviction of the patient but for a finding of criminal insanity. A victim shall include a personal representative of an estate who has obtained judgment for wrongful death against the criminally insane patient.

In accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW, the department shall adopt appropriate rules and regulations relating to the standards to be applied in determining ability to pay such charges, the schedule of charges pursuant to RCW 43.20B.325, and such other rules and regulations as are deemed necessary to administer the provisions of RCW 43.20B.355 and 43.20B.325 through 43.20B.350.

[1996 c 125 § 2; 1987 c 75 § 14; 1979 c 141 § 126; 1967 ex.s. c 127 § 5. Formerly RCW 71.02.412.]

Notes:

Findings--Purpose--1996 c 125: "The legislature finds that laws and regulations relating to the rights of the state to collection from criminally insane patients for cost of their hospitalization are in need of clarification. The legislature previously directed the department of social and health services to set standards regarding ability of such patients to pay that would include pertinent factors, as well as unusual and exceptional circumstances. The legislature finds that the regulations established by the department fail to take into account a factor and circumstance that should be paramount: Compensation owed by the patient to victims of his or her criminally insane conduct. The state public policy recognizes the due dignity and respect to be accorded victims of crime and the need for victims to be compensated, as set forth in Article I, section 35 of the state Constitution and in chapter 7.68 RCW. The legislature did not intend, in enacting RCW 43.20B.320, that the department attempt to obtain funds for hospitalization of criminally insane patients that would otherwise have compensated the victims of the patient. The purpose of chapter 125, Laws of 1996 is to clarify legislative intent and existing law." [1996 c 125 § 1.]

RCW 43.20B.340 Mental illness--Treatment costs--Notice and finding of responsibility--Period--Adjudicative proceedings.

Applicable Cases

In any case where determination is made that a person, or the estate of such person, is able to pay all, or any portion of the charges for hospitalization, and/or charges for outpatient services, a notice and finding of responsibility shall be served on such person or the court-appointed personal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay not to exceed the costs of hospitalization, and/or costs of outpatient services, as fixed in accordance with the provisions of RCW 43.20B.325, or as otherwise limited by the provisions of RCW 43.20B.355 and 43.20B.325 through 43.20B.350. The responsibility for the payment to the department shall commence twenty-eight days after service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospitalization, and/or the costs of outpatient services, accruing thereafter. The notice and finding of responsibility shall be served upon all persons found financially responsible in the manner prescribed for the service of summons in a civil action or may be served by certified mail, return receipt requested. The return receipt signed

by addressee only is prima facie evidence of service. An application for an adjudicative proceeding may be filed with the secretary, or the secretary's designee within twenty-eight days from the date of service of such notice and finding of responsibility. The application must be written and served on the secretary by registered or certified mail, or by personal service. If no application is filed, the notice and finding of responsibility shall become final. If an application is filed, the execution of notice and finding of responsibility shall be stayed pending the final adjudicative order. The hearing shall be conducted in a local department office or other location in Washington convenient to the appellant. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW.

[1989 c 175 § 98; 1987 c 75 § 15; 1985 c 245 § 3; 1981 c 67 § 33; 1971 c 81 § 133; 1969 ex.s. c 268 § 1; 1967 ex.s. c 127 § 6. Formerly RCW 71.02.413.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Savings--1985 c 245: "Sections 3 and 6 of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, that is already in existence on May 10, 1985." [1985 c 245 § 11.] Sections 3 and 6 of this act consist of the 1985 c 245 amendments to RCW 71.02.413 and 72.33.670.

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

RCW 43.20B.345 Mental illness--Treatment costs--Judgment for accrued amounts.

Applicable Cases

Whenever any notice and finding of responsibility, or appeal therefrom, shall have become final, the superior court, wherein such person or persons reside or have property either real or personal, shall, upon application of the secretary enter a judgment in the amount of the accrued monthly charges for the costs of hospitalization, and/or the costs of outpatient services, and such judgment shall have and be given the same effect as if entered pursuant to civil action instituted in said court; except, such judgment shall not be the subject of collection by the department unless and until any outstanding judgment for a victim referenced in RCW 43.20B.335 has been fully satisfied.

[1996 c 125 § 3; 1987 c 75 § 16; 1979 c 141 § 127; 1967 ex.s. c 127 § 7. Formerly RCW 71.02.414.]

Notes:

Findings--Purpose--1996 c 125: See note following RCW 43.20B.335.

RCW 43.20B.347 Mental illness--Treatment costs--Lien against real and personal property.

Applicable Cases

Whenever a notice and finding of responsibility, or appeal therefrom, has become final, the department may file a lien against the real and personal property of all persons found financially responsible under RCW 43.20B.330 with the county auditor of the county where the persons reside or own property.

[1993 c 272 § 1.]

Notes:

Savings--1993 c 272: "This act does not have the effect of terminating or in any way modifying any liability, civil or criminal, that is already in existence on the effective date of this act." [1993 c 272 § 6.]

Severability--1993 c 272: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 272 § 7.]

RCW 43.20B.350 Mental illness--Treatment costs--Modification or vacation of findings of responsibility.

Applicable Cases

The secretary, or the secretary's designee, upon application of the person responsible for payment of reimbursement to the state of the costs of hospitalization, and/or the costs of outpatient services, or the legal representative of such person, and, after investigation, or after investigation without application, the secretary, or the secretary's designee, if satisfied of the financial ability or inability of such person to reimburse the state in accordance with the original finding of responsibility, may, modify or vacate such original finding of responsibility and enter a new finding of responsibility. The determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedures for appeals of original findings of responsibility.

[1987 c 75 § 17; 1967 ex.s. c 127 § 8. Formerly RCW 71.02.415.]

RCW 43.20B.355 Mental illness--Hospitalization charges--Due date--Collection.

Applicable Cases

Hospitalization charges are payable on the tenth day of each calendar month, for services rendered during the preceding month, and the department may make all necessary rules and regulations relative to the billing and collection of such charges.

[1967 ex.s. c 127 § 2; 1959 c 25 § 71.02.320. Prior: 1951 c 139 § 56. Formerly RCW 71.02.320.]

RCW 43.20B.360 Mental illness--Hospitalization charges--Collection--Statutes of limitation.

Applicable Cases

No statutes of limitations shall run against the state of Washington for hospitalization charges: PROVIDED, HOWEVER, That periods of limitations for the filing of creditors' claims against probate and guardianship estates shall apply against such claims.

[1959 c 25 § 71.02.360. Prior: 1951 c 139 § 61. Formerly RCW 71.02.360.]

Notes:

Period of limitation for claims against guardianship estate: RCW 11.92.035.

RCW 43.20B.370 Mental illness--Hospitalization charges--Collection--Prosecuting attorneys to assist.

Applicable Cases

The prosecuting attorneys of the various counties shall assist the department in the collection of hospitalization charges.

[1959 c 25 § 71.02.370. Prior: 1951 c 139 § 64. Formerly RCW 71.02.370.]

RCW 43.20B.410 Residential habilitation centers--Liability for costs of services--Declaration of purpose.

Applicable Cases

The purpose of RCW 43.20B.410 through 43.20B.455 is to place financial responsibility for cost of care, support and treatment upon those residents of residential habilitation centers operated under chapter 71A.20 RCW who possess assets over and above the minimal amount required to be retained for personal use; to provide procedures for establishing such liability and the monthly rate thereof, and the process for appeal therefrom to the secretary of social and health services and the courts by any person deemed aggrieved thereby.

[1988 c 176 § 902; 1987 c 75 § 23; 1979 c 141 § 237; 1967 c 141 § 1. Formerly RCW 72.33.650.]

Notes:

Severability--1988 c 176: See RCW 71A.10.900.

Effective date--1967 c 141: "This 1967 amendatory act shall become effective July 1, 1967." [1967 c 141 § 13.]

RCW 43.20B.415 State residential schools--Liability for costs of services--Limitation.

Applicable Cases

The estates of all mentally or physically deficient persons who have been admitted to the state residential schools listed in *RCW 72.33.030 either by application of their parents or guardian or by commitment of court, or who may hereafter be admitted or committed to such institutions, shall be liable for their per capita costs of care, support and treatment: PROVIDED, That the estate funds may not be reduced as a result of such liability below an amount as set forth in *RCW 72.33.180.

[1971 ex.s. c 118 § 2; 1967 c 141 § 2. Formerly RCW 72.33.655.]

Notes:

***Reviser's note:** RCW 72.33.030 and 72.33.180 were repealed by 1988 c 176 § 1007. See Title 71A RCW. The term "residential schools" was changed to "residential habilitation centers" by 1988 c 176.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.420 Residential habilitation centers--Determination of costs of services--Establishment of rates--Collection.

Applicable Cases

The charges for services as provided in RCW 43.20B.425 shall be based on the rates established for the purpose of receiving federal reimbursement for the same services. For those services for which there is no applicable federal reimbursement-related rate, charges shall be based on the average per capita costs, adjusted for inflation, of operating each of the residential habilitation centers for the previous reporting year taking into consideration all expenses of institutional operation, maintenance and repair, salaries and wages, equipment and supplies: PROVIDED, That all expenses directly related to the cost of education for persons under the age

of twenty-two years shall be excluded from the computation of the average per capita cost. The department shall establish rates on a per capita basis and promulgate those rates or the methodology used in computing costs and establishing rates as rules of the department in accordance with chapter 34.05 RCW. The department shall be charged with the duty of collection of charges incurred under RCW 43.20B.410 through 43.20B.455, which may be enforced by civil action instituted by the attorney general within or without the state.

[1988 c 176 § 903; 1987 c 75 § 24; 1984 c 200 § 1; 1979 c 141 § 238; 1967 c 141 § 3. Formerly RCW 72.33.660.]

Notes:

Severability--1988 c 176: See RCW 71A.10.900.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.425 Residential habilitation centers--Costs of services--Investigation and determination of ability to pay--Exemptions.

Applicable Cases

The department shall investigate and determine the assets of the estates of each resident of a residential habilitation center and the ability of each such estate to pay all, or any portion of, the average monthly charge for care, support and treatment at a residential habilitation center as determined by the procedure set forth in RCW 43.20B.420: PROVIDED, That the sum as set forth in RCW 71A.20.100 shall be retained by the estate of the resident at all times for such personal needs as may arise: PROVIDED FURTHER, That where any person other than a resident or the guardian of the resident's estate deposits funds so that the depositor and a resident become joint tenants with the right of survivorship, such funds shall not be considered part of the resident's estate so long as the resident is not the sole survivor among such joint tenants.

[1988 c 176 § 904; 1987 c 75 § 25; 1971 ex.s. c 118 § 3; 1967 c 141 § 4. Formerly RCW 72.33.665.]

Notes:

Severability--1988 c 176: See RCW 71A.10.900.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.430 Residential habilitation centers--Costs of services--Notice and finding of responsibility--Service--Adjudicative proceeding.

Applicable Cases

In all cases where a determination is made that the estate of a resident of a residential habilitation center is able to pay all or any portion of the charges, a notice and finding of responsibility shall be served on the guardian of the resident's estate, or if no guardian has been appointed then to the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident. The notice shall set forth the amount the department has determined that such estate is able to pay, not to exceed the charge as fixed in accordance with RCW 43.20B.420, and the responsibility for payment to the department shall commence twenty-eight days after personal service of such notice and finding of responsibility. Service shall be in the manner prescribed for the service of a summons in a civil action or may be served by certified mail, return receipt requested. The return receipt signed

by addressee only is prima facie evidence of service. An application for an adjudicative proceeding from the determination of responsibility may be made to the secretary by the guardian of the resident's estate, or if no guardian has been appointed then by the resident, the resident's spouse, or other person acting in a representative capacity and having property in his or her possession belonging to a resident of a state school, within such twenty-eight day period. The application must be written and served on the secretary by registered or certified mail, or by personal service. If no application is filed, the notice and finding of responsibility shall become final. If an application is filed, the execution of notice and finding of responsibility shall be stayed pending the final adjudicative order. The hearing shall be conducted in a local department office or other location in Washington convenient to the appellant. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW.

[1989 c 175 § 99; 1988 c 176 § 905; 1987 c 75 § 26; 1985 c 245 § 6; 1982 c 189 § 7; 1979 c 141 § 239; 1970 ex.s. c 75 § 1; 1967 c 141 § 5. Formerly RCW 72.33.670.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Severability--1988 c 176: See RCW 71A.10.900.

Savings--1985 c 245: See note following RCW 43.20B.340.

Effective date--1982 c 189: See note following RCW 34.12.020.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.435 State residential habilitation centers--Costs of services--Modification or vacation of finding of responsibility.

Applicable Cases

The secretary, upon application of the guardian of the estate of the resident, and after investigation, or upon investigation without application, may, if satisfied of the financial ability or inability of such person to make payments in accordance with the original finding of responsibility, modify or vacate such original finding of responsibility, and enter a new finding of responsibility. The secretary's determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedure for appeals of original findings of responsibility.

[1979 c 141 § 240; 1967 c 141 § 7. Formerly RCW 72.33.680.]

Notes:

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.440 Residential habilitation centers--Costs of services--Charges payable in advance.

Applicable Cases

The charges for care, support, maintenance and treatment of persons at residential habilitation centers as provided by RCW 43.20B.410 through 43.20B.455 shall be payable in advance on the first day of each and every month to the department.

[1988 c 176 § 906; 1987 c 75 § 27; 1979 c 141 § 241; 1967 c 141 § 8. Formerly RCW 72.33.685.]

Notes:

Severability--1988 c 176: See RCW 71A.10.900.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.445 Residential habilitation centers--Costs of services--Reimbursement from property subsequently acquired--Placement outside school--Liability after death of resident.

Applicable Cases

The provisions of RCW 43.20B.410 through 43.20B.455 shall not be construed to prohibit or prevent the department of social and health services from obtaining reimbursement from any person liable under RCW 43.20B.410 through 43.20B.455 for payment of the full amount of the accrued per capita cost from any property acquired by gift, devise or bequest subsequent to and regardless of the initial findings of responsibility under RCW 43.20B.430: PROVIDED, That the estate of any resident of a residential habilitation center shall not be liable for such reimbursement subsequent to termination of services for that resident at the residential habilitation center: PROVIDED FURTHER, That upon the death of any person while a resident in a residential habilitation center, the person's estate shall become liable to the same extent as the resident's liability on the date of death.

[1988 c 176 § 907; 1987 c 75 § 28; 1979 c 141 § 242; 1967 c 141 § 9. Formerly RCW 72.33.690.]

Notes:

Severability--1988 c 176: See RCW 71A.10.900.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.450 State residential habilitation centers--Costs of services--Liabilities created apply to care, support, and treatment after July 1, 1967.

Applicable Cases

The liabilities created by RCW 43.20B.410 through 43.20B.455 shall apply to the care, support and treatment occurring after July 1, 1967.

[1987 c 75 § 29; 1967 c 141 § 11. Formerly RCW 72.33.695.]

Notes:

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.455 Residential habilitation centers--Costs of services--Discretionary allowance in resident's fund.

Applicable Cases

Notwithstanding any other provision of RCW 43.20B.410 through 43.20B.455, the secretary may, if in the secretary's discretion any resident of a residential habilitation center can be terminated from receiving services at the habilitation center more rapidly and assimilated into a community, keep an amount not exceeding five thousand dollars in the resident's fund for such resident and such resident shall not thereafter be liable thereon for per capita costs of care, support and treatment as provided for in RCW 43.20B.415.

[1988 c 176 § 908; 1987 c 75 § 30; 1979 c 141 § 243; 1967 c 141 § 12. Formerly RCW 72.33.700.]

Notes:

Severability--1988 c 176: See RCW 71A.10.900.

Effective date--1967 c 141: See note following RCW 43.20B.410.

RCW 43.20B.460 Guardianship fees and additional costs for incapacitated clients paying part of costs--Maximum amount--Rules.

Applicable Cases

The department of social and health services shall establish by rule the maximum amount of guardianship fees and additional compensation for administrative costs that may be allowed by the court as compensation for a guardian or limited guardian of an incapacitated person who is a department of social and health services client residing in a nursing facility or in a residential or home setting and is required by the department of social and health services to contribute a portion of their income towards the cost of residential or supportive services.

[1994 c 68 § 2.]

RECOVERY OF OVERPAYMENTS

RCW 43.20B.620 Overpayments of assistance--Lien against recipient's property--Recovery methods.

Applicable Cases

Overpayments of public assistance or food stamps or food stamp benefits transferred electronically under RCW 74.04.300 shall become a lien against the real and personal property of the recipient from the time of filing by the department with the county auditor of the county in which the recipient resides or owns property, and the lien claim has preference over the claims of all unsecured creditors.

Debts due the state for overpayments of public assistance or food stamps or food stamp benefits transferred electronically may be recovered by the state by deduction from the subsequent assistance payments to such persons, lien and foreclosure, or order to withhold and deliver, or may be recovered by civil action.

[1998 c 79 § 4; 1987 c 75 § 43.]

RCW 43.20B.630 Overpayments of assistance--Procedures--Adjudicative proceeding.

Applicable Cases

(1) Any person who owes a debt to the state for an overpayment of public assistance and/or food stamps or food stamp benefits transferred electronically shall be notified of that debt by either personal service or certified mail, return receipt requested. Personal service, return of the requested receipt, or refusal by the debtor of such notice is proof of notice to the debtor of the debt owed. Service of the notice shall be in the manner prescribed for the service of a summons in a civil action. The notice shall include a statement of the debt owed; a statement that the property of the debtor will be subject to collection action after the debtor terminates from public

assistance and/or food stamps or benefits; a statement that the property will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the overpayment debt. Action to collect the debt by lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver, is lawful after ninety days from the debtor's termination from public assistance and/or food stamps or benefits or the receipt of the notice of debt, whichever is later. This does not preclude the department from recovering overpayments by deduction from subsequent assistance payments, not exceeding deductions as authorized under federal law with regard to financial assistance programs: PROVIDED, That subject to federal legal requirement, deductions shall not exceed five percent of the grant payment standard if the overpayment resulted from error on the part of the department or error on the part of the recipient without willful or knowing intent of the recipient in obtaining or retaining the overpayment.

(2) A current or former recipient who is aggrieved by a claim that he or she owes a debt for an overpayment of public assistance or food stamps or food stamp benefits transferred electronically has the right to an adjudicative proceeding pursuant to RCW 74.08.080. If no application is filed, the debt will be subject to collection action as authorized under this chapter. If a timely application is filed, the execution of collection action on the debt shall be stayed pending the final adjudicative order or termination of the debtor from public assistance and/or food stamps or food stamp benefits transferred electronically, whichever occurs later.

[1998 c 79 § 5; 1989 c 175 § 100; 1982 c 201 § 18; 1981 c 163 § 1. Formerly RCW 74.04.700.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Overpayments and debts due the state: RCW 74.04.300.

RCW 43.20B.635 Overpayments of assistance--Orders to withhold property of debtor--Procedures.

Applicable Cases

After service of a notice of debt for an overpayment as provided for in RCW 43.20B.630, stating the debt accrued, the secretary may issue to any person, firm, corporation, association, political subdivision, or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state property which is due, owing, or belonging to the debtor. The order to withhold and deliver shall state the amount of the debt, and shall state in summary the terms of this section, RCW 6.27.150 and 6.27.160, chapters 6.13 and 6.15 RCW, 15 U.S.C. 1673, and other state or federal exemption laws applicable generally to debtors. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision, or department of the state upon whom service has been made shall answer the order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the

matters inquired of therein. The secretary may require further and additional answers to be completed by the person, firm, corporation, association, political subdivision, or department of the state. If any such person, firm, corporation, association, political subdivision, or department of the state possesses any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall, after the twenty-day period, upon demand, be delivered forthwith to the secretary. The secretary shall hold the property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, association, political subdivision, or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary, subject to the exemptions under RCW 6.27.150 and 6.27.160, chapters 6.13 and 6.15 RCW, 15 U.S.C. 1673, and other state or federal law applicable generally to debtors, of the money or other property held or claimed satisfies the requirement of the order to withhold and deliver. Delivery to the secretary serves as full acquittance, and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter.

The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed by certified mail a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for a hearing on any issue related to the collection. This requirement is not jurisdictional, but, if the copy is not mailed or served as provided in this section, or if any irregularity appears with respect to the mailing or service, the superior court, on its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

[1990 c 100 § 1; 1987 c 75 § 37; 1981 c 163 § 2. Formerly RCW 74.04.710.]

RCW 43.20B.640 Overpayments of assistance--Failure to withhold property of debtor.

Applicable Cases

If any person, firm, corporation, association, political subdivision, or department of the state fails to answer an order to withhold and deliver within the time prescribed in RCW 43.20B.635, or fails or refuses to deliver property pursuant to the order, or after actual notice of

filing of a lien as provided for in this chapter, pays over, releases, sells, transfers, or conveys real or personal property subject to such lien to or for the benefit of the debtor or any other person, or fails or refuses to surrender upon demand property distrained under RCW 43.20B.635, or fails or refuses to honor an assignment of wages presented by the secretary, such person, firm, corporation, association, political subdivision, or department of the state is liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees.

[1987 c 75 § 38; 1981 c 163 § 3. Formerly RCW 74.04.720.]

RCW 43.20B.645 Overpayments of assistance--Assignment of earnings.

Applicable Cases

Any person, firm, corporation, association, political subdivision, or department employing a person owing a debt for overpayment of public assistance received as defined in RCW 74.04.300, shall honor, according to its terms, a duly executed assignment of earnings presented to the employer by the secretary as a plan to satisfy or retire an overpayment debt. This requirement to honor the assignment of earnings is applicable whether the earnings are to be paid presently or in the future and continues in force and effect until released in writing by the secretary. Payment of moneys pursuant to an assignment of earnings presented to the employer by the secretary serves as full acquittance under any contract of employment, and the state warrants and represents it shall defend and hold harmless such action taken pursuant to the assignment of earnings. The secretary is released from liability for improper receipt of moneys under assignment of earnings upon return of any moneys so received.

[1981 c 163 § 4. Formerly RCW 74.04.730.]

RCW 43.20B.660 Improper realty transfer--Suit to rescind--Recovery from recipient's estate.

Applicable Cases

If an improper real property transfer is made as defined in RCW 74.08.331 through 74.08.338, the department may request the attorney general to file suit to rescind the transaction except as to subsequent bona fide purchasers for value. If it is established by judicial proceedings that a fraudulent conveyance occurred, the value of any public assistance which has been furnished may be recovered in any proceedings from the recipient or the recipient's estate.

[1987 c 75 § 46.]

RCW 43.20B.670 Excess property assistance program--Lien--Department as creditor.

Applicable Cases

When the department provides grant assistance to persons who possess excess real property under *RCW 74.04.005(10)(f), the department may file a lien against, or otherwise perfect its interest in such real property as a condition of granting such assistance, and the department shall have the status of a secured creditor.

[1985 c 245 § 10. Formerly RCW 74.04.007.]

Notes:

***Reviser's note:** RCW 74.04.005 was amended by 1997 c 58 § 309, changing subsection (10)(f) to subsection (10)(g).

RCW 43.20B.675 Vendor overpayments--Goods or services provided on or after July 1, 1998--Notice--Adjudicative proceeding--Enforcement--Collection--Rules.

Applicable Cases

(1) When the department determines that a vendor was overpaid by the department for either goods or services, or both, provided to department clients, except nursing homes under chapter 74.46 RCW, the department will give written notice to the vendor. The notice will include the amount of the overpayment, the basis for the claim, and the rights of the vendor under this section.

(2) The notice may be served upon the vendor in the manner prescribed for the service of a summons in civil action or be mailed to the vendor at the last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt.

(3) The vendor has the right to an adjudicative proceeding governed by the administrative procedure act, chapter 34.05 RCW, and the rules of the department. The vendor's application for an adjudicative proceeding must be in writing, state the basis for contesting the overpayment notice, and include a copy of the department's notice. The application must be served on and received by the department within twenty-eight days of the vendor's receipt of the notice of overpayment. The vendor must serve the department in a manner providing proof of receipt.

(4) Where an adjudicative proceeding has been requested, the presiding or reviewing office will determine the amount, if any, of the overpayment received by the vendor.

(5) If the vendor fails to attend or participate in the adjudicative proceeding, upon a showing of valid service, the presiding or reviewing officer may enter an administrative order declaring the amount claimed in the notice to be assessed against the vendor and subject to collection action by the department.

(6) Failure to make an application for an adjudicative proceeding within twenty-eight days of the date of notice will result in the establishment of a final debt against the vendor in the amount asserted by the department and that amount is subject to collection action. The department may also charge the vendor with any costs associated with the collection of any final overpayment or debt established against the vendor.

(7) The department may enforce a final overpayment or debt through lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, or other collection action available to the department to satisfy the debt due.

(8) Debts determined under this chapter are subject to collection action without further necessity of action by a presiding or reviewing officer. The department may collect the debt in accordance with RCW 43.20B.635, 43.20B.640, and 43.20B.680. In addition, a vendor lien may be subject to distraint and seizure and sale in the same manner as prescribed for support liens in

RCW 74.20A.130.

(9) Chapter 66, Laws of 1998 applies to overpayments for goods or services provided on or after July 1, 1998.

(10) The department may adopt rules consistent with this section.

[1998 c 66 § 2.]

Notes:

Findings--1998 c 66: "The legislature finds that more efficient and cost-effective means are available for the collection of vendor overpayments owed the state of Washington. The legislature further finds it desirable to provide vendors a uniform formal appeal process that will streamline the current process for both the department of social and health services and the vendor." [1998 c 66 § 1.]

RCW 43.20B.680 Vendor overpayments--Lien or other security--Setoff or recoupment--Exception.

Applicable Cases

(1) The department may, at the secretary's discretion, secure the repayment of any outstanding overpayment, plus interest, if any, through the filing of a lien against the vendor's real property, or by requiring the posting of a bond, assignment of deposit, or some other form of security acceptable to the department, or by doing both.

(a) Any lien shall be effective from the date of filing for record with the county auditor of the county in which the property is located and the lien claim shall have preference over the claims of all unsecured creditors.

(b) The department shall review and determine the acceptability of all other forms of security.

(c) Any bond must be issued by a company licensed as a surety in the state of Washington.

(d) This subsection does not apply to nursing homes licensed under chapter 18.51 RCW or portions of hospitals licensed under chapter 70.41 RCW and operating as a nursing home, if those facilities are subject to chapter 74.46 RCW.

(2) The department may recover any overpayment, plus interest, if any, by setoff or recoupment against subsequent payments to the vendor.

[1987 c 283 § 10.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.

RCW 43.20B.685 Vendor overpayments--Liens--Duration--Enforcement.

Applicable Cases

Liens created under RCW 43.20B.680 shall bind the affected property for a period of ten years after the lien has been recorded or ten years after the resolution of all good faith disputes as to the overpayment, whichever is later. Any civil action by the department to enforce such lien must be timely commenced before the ten-year period expires or the lien shall be released. A civil action to enforce such lien shall not be timely commenced unless the summons and

complaint are filed within the ten-year period in a court having jurisdiction and service of the summons and complaint is made upon all parties in the manner prescribed by appropriate civil court rules.

[1987 c 283 § 11.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.

RCW 43.20B.688 Limitation on actions to enforce vendor overpayment debts.

Applicable Cases

Any action to enforce a vendor overpayment debt shall be commenced within six years from the date of the department's notice to the vendor.

[1987 c 283 § 15. Formerly RCW 43.20A.440.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.
Vendor overpayments: RCW 43.20B.680 through 43.20B.695.

RCW 43.20B.690 Vendor overpayments--Remedies nonexclusive.

Applicable Cases

The remedies under RCW 43.20B.680 and 43.20B.685 are nonexclusive and nothing contained in this chapter may be construed to impair or affect the right of the department to maintain a civil action or to pursue any other remedies available to it under the laws of this state to recover such debt.

[1987 c 283 § 12.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.

RCW 43.20B.695 Vendor overpayments--Interest--Exceptions.

Applicable Cases

(1) Except as provided in subsection (4) of this section, vendors shall pay interest on overpayments at the rate of one percent per month or portion thereof. Where partial repayment of an overpayment is made, interest accrues on the remaining balance. Interest will not accrue when the overpayment occurred due to department error.

(2) If the overpayment is discovered by the vendor prior to discovery and notice by the department, the interest shall begin accruing ninety days after the vendor notifies the department of such overpayment.

(3) If the overpayment is discovered by the department prior to discovery and notice by the vendor, the interest shall begin accruing as follows, whichever occurs first:

- (a) Thirty days after the date of notice by the department to the vendor; or
- (b) Ninety days after the date of overpayment to the vendor.

(4) This section does not apply to:

- (a) Interagency or intergovernmental transactions;
- (b) Contracts for public works, goods and services procured for the exclusive use of the department, equipment, or travel; and
- (c) Contracts entered into before September 1, 1979, for contracts with medical assistance funding, and August 23, 1983, for all other contracts.

[1987 c 283 § 2; 1983 1st ex.s. c 41 § 17. Formerly RCW 43.20A.435.]

Notes:

Severability--Savings--1987 c 283: See notes following RCW 43.20A.020.

Savings--1983 1st ex.s. c 41 § 17: "The enactment of section 17 of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on August 23, 1983." [1983 1st ex.s. c 41 § 18.]

Severability--1983 1st ex.s. c 41: See note following RCW 26.09.060.

RCW 43.20B.710 Medical assistance--Improper transfer or assignment of resources--Penalty--Presumption, rebuttal--Attorney's fees.

Applicable Cases

If cash or resources are improperly transferred or assigned under *RCW 74.09.538, a person who knowingly or willingly receives the assets for less than fair market value is liable for a civil penalty equal to the uncompensated value of the cash or resources transferred or assigned at less than fair market value. The civil penalty shall not exceed the cost of assistance rendered by the department to the applicant or recipient. The person may rebut the presumption that the transfer or assignment was made for the purpose of enabling the applicant or recipient to qualify or continue to qualify for assistance. The prevailing party in such an action shall be awarded reasonable attorney's fees.

[1987 c 75 § 47.]

Notes:

***Reviser's note:** RCW 74.09.538 was repealed by 1989 c 87 § 11.

Transfer of spousal resources: RCW 74.09.530 through 74.09.595.

RCW 43.20B.720 Recipient receiving industrial insurance compensation--Subrogation rights of department--Lien--Withhold and deliver notice.

Applicable Cases

(1) To avoid a duplicate payment of benefits, a recipient of public assistance from the department of social and health services is deemed to have subrogated the department to the recipient's right to recover temporary total disability compensation due to the recipient and the recipient's dependents under Title 51 RCW, to the extent of such assistance or compensation, whichever is less. However, the amount to be repaid to the department of social and health services shall bear its proportionate share of attorney's fees and costs, if any, incurred under Title 51 RCW by the recipient or the recipient's dependents.

(2) The department of social and health services may assert and enforce a lien and notice to withhold and deliver to secure reimbursement. The department shall identify in the lien and

notice to withhold and deliver the recipient of public assistance and temporary total disability compensation and the amount claimed by the department.

[1997 c 130 § 1; 1985 c 245 § 7; 1982 c 201 § 17; 1973 1st ex.s. c 102 § 1. Formerly RCW 74.04.530.]

RCW 43.20B.730 Recipient receiving industrial insurance compensation--Effective date of lien and notice--Service.

Applicable Cases

The effective date of the lien and notice to withhold and deliver provided in RCW 43.20B.720 is the day that it is received by the department of labor and industries or a self-insurer as defined in chapter 51.08 RCW. Service of the lien and notice to withhold and deliver may be made personally, by regular mail with postage prepaid, or by electronic means. A statement of lien and notice to withhold and deliver shall be mailed to the recipient at the recipient's last known address by certified mail, return receipt requested, no later than two business days after the department mails, delivers, or transmits the lien and notice to withhold and deliver to the department of labor and industries or a self-insurer.

[1997 c 130 § 2; 1987 c 75 § 34; 1985 c 245 § 9; 1973 1st ex.s. c 102 § 3. Formerly RCW 74.04.550.]

RCW 43.20B.735 Recipient receiving industrial insurance compensation--Duty to withhold and deliver--Amount.

Applicable Cases

The director of labor and industries or the director's designee, or a self-insurer as defined in chapter 51.08 RCW, following receipt of the lien and notice to withhold and deliver, shall deliver to the secretary of social and health services or the secretary's designee any temporary total disability compensation payable to the recipient named in the lien and notice to withhold and deliver up to the amount claimed. The director of labor and industries or self-insurer shall withhold and deliver from funds currently in the director's or self-insurer's possession or from any funds that may at any time come into the director's or self-insurer's possession on account of temporary total disability compensation payable to the recipient named in the lien and notice to withhold and deliver.

[1997 c 130 § 3; 1973 1st ex.s. c 102 § 4. Formerly RCW 74.04.560.]

RCW 43.20B.740 Recipient receiving industrial insurance compensation--Adjudicative proceeding--Collection pending final order.

Applicable Cases

A recipient feeling aggrieved by the action of the department of social and health services in recovering his or her temporary total disability compensation as provided in RCW 43.20B.720 through 43.20B.745 shall have the right to an adjudicative proceeding.

A recipient seeking an adjudicative proceeding shall file an application with the secretary within twenty-eight days after the statement of lien and notice to withhold and deliver was mailed to the recipient. If the recipient files an application more than twenty-eight days after, but within one year of, the date the statement of lien and notice to withhold and deliver was mailed,

the recipient is entitled to a hearing if the recipient shows good cause for the recipient's failure to file a timely application. The filing of a late application does not affect prior collection action pending the final adjudicative order. Until good cause for failure to file a timely application is decided, the department may continue to collect under the lien and notice to withhold and deliver.

The proceeding shall be governed by chapter 34.05 RCW, the Administrative Procedure Act.

[1997 c 130 § 4; 1989 c 175 § 101; 1987 c 75 § 35; 1973 1st ex.s. c 102 § 5. Formerly RCW 74.04.570.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.20B.745 Recipient receiving industrial insurance compensation--Application.

Applicable Cases

RCW 43.20B.720 through 43.20B.745 shall not apply to persons whose eligibility for benefits under Title 51 RCW, is based upon an injury or illness occurring prior to July 1, 1972.

[1987 c 75 § 36; 1973 1st ex.s. c 102 § 6. Formerly RCW 74.04.580.]

CONSTRUCTION

RCW 43.20B.900 Savings--1987 c 75.

Applicable Cases

The enactment of this act shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on July 26, 1987.

[1987 c 75 § 48.]

RCW 43.20B.901 Severability--1987 c 75.

Applicable Cases

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

[1987 c 75 § 51.]

**Chapter 43.21A RCW
DEPARTMENT OF ECOLOGY**

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- 43.21A.650 Freshwater aquatic weeds account.
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Notes:

Funding for radiation monitoring programs, department of ecology to seek: RCW 70.98.122.

Metals mining and milling operations, department of ecology responsibilities: Chapter 78.56 RCW.

Minimum flows and levels--Departmental authority exclusive--Other recommendations considered: RCW 90.03.247.

RCW 43.21A.010 Legislative declaration of state policy on environment and utilization of natural resources.

Applicable Cases

The legislature recognizes and declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan,

coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state.

[1970 ex.s. c 62 § 1.]

Notes:

Savings--Other powers and rights not affected--Permits, standards, not affected--1970 ex.s. c 62: "The provisions of this act shall not impair or supersede the powers or rights of any person, committee, association, public, municipal or private corporations, state or local governmental agency, federal agency, or political subdivision of the state of Washington under any other law except as specifically provided herein. Pollution control permits, water quality standards, air pollution permits, air quality standards, and permits for disposal of solid waste materials of this state are not changed hereby and the laws governing the same are to be protected and preserved." [1970 ex.s. c 62 § 61.]

Effective date--1970 ex.s. c 62: "This 1970 amendatory act shall take effect on July 1, 1970." [1970 ex.s. c 62 § 64.]

Severability--1970 ex.s. c 62: "If any provision of this 1970 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances, shall not be affected." [1970 ex.s. c 62 § 65.]

RCW 43.21A.020 Purpose.

Applicable Cases

In recognition of the responsibility of state government to carry out the policies set forth in RCW 43.21A.010, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. To this end a department of ecology is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature.

[1970 ex.s. c 62 § 2.]

RCW 43.21A.030 Definitions.

Applicable Cases

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

- (1) "Department" means the department of ecology.
- (2) "Director" means the director of the department of ecology.
- (3) "Commission" means the ecological commission.

[1970 ex.s. c 62 § 3.]

RCW 43.21A.040 Department of ecology--Created.

Applicable Cases

There is created a department of state government to be known as the department of ecology.

[1970 ex.s. c 62 § 4.]

RCW 43.21A.050 Department of ecology--Director--Appointment--Powers and duties--Salary--Temporary appointment when vacancy.

Applicable Cases

The executive and administrative head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate. He shall have complete charge of and supervisory powers over the department. He shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time he shall present to that body his nomination for the position.

[1970 ex.s. c 62 § 5.]

RCW 43.21A.061 Powers and duties--Reclamation.

Applicable Cases

The department of ecology shall exercise all the powers and perform all the duties prescribed by law with respect to the reclamation and development of arid, swamp, overflow, and logged-off lands in the state and such other duties as may be prescribed by law.

[1987 c 109 § 26; 1965 c 8 § 43.21.110. Prior: 1921 c 7 § 70; RRS § 10828. Formerly RCW 43.21.110.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21A.064 Powers and duties--Water resources.

Applicable Cases

Subject to RCW 43.21A.068, the director of the department of ecology shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to assure safety to life or property, the director shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) The director shall regulate and control the diversion of water in accordance with the

rights thereto;

(4) The director shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) The director shall, if requested, provide assistance to an applicant for a water right in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035. If the applicant is a public water supply system, the supply being sought must be used in a manner consistent with applicable land use, watershed and water system plans, and the population forecast for that area provided under RCW 43.62.035;

(6) The director shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. The director shall keep a seal of the office, and all certificates covering any of the director's acts or the acts of the director's office, or the records and files of that office, under such seal, shall be taken as evidence thereof in all courts;

(7) The director shall render when required by the governor, a full written report of the office's work with such recommendations for legislation as the director deems advisable for the better control and development of the water resources of the state;

(8) The director and duly authorized deputies may administer oaths;

(9) The director shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(10) The director shall perform such other duties as may be prescribed by law.

[1997 c 443 § 2; 1995 c 8 § 3; 1977 c 75 § 46; 1965 c 8 § 43.21.130. Prior: 1961 c 19 § 1; prior: (i) 1951 c 57 § 3; 1921 c 7 § 72; RRS § 10830. (ii) 1951 c 57 § 3; 1917 c 117 § 8; RRS § 7358. Formerly RCW 43.21.130.]

Notes:

Finding--Intent--1997 c 443: "The legislature finds that there is a need for development of additional water resources to meet the forecasted population growth in the state. It is the intent of chapter 443, Laws of 1997 to direct the responsible agencies to assist applicants seeking a safe and reliable water source for their use. Providing this assistance for public water supply systems can be accomplished through assistance in the creation of municipal interties and transfers, additional storage capabilities, enhanced conservation efforts, and added efficiency standards for using existing supplies." [1997 c 443 § 1.]

Findings--1995 c 8: "The legislature finds and declares:

(1) The federal energy regulatory commission, under the federal power act, licenses hydropower projects in navigable waters and regularly and extensively inspects facilities for safety; and

(2) Nothing in this act alters or affects the department of ecology's authority to: (a) Participate in the federal process of licensing hydropower projects; or (b) ensure that hydropower projects comply with federal statutes such as the coastal zone management act and the clean water act and, subject to RCW 43.21A.068, all applicable state law." [1995 c 8 § 1.]

Review of permit applications to divert and store water, water flow policy: RCW 75.20.050.

Water power development, license fees: RCW 90.16.050, 90.16.060, 90.16.090.

RCW 43.21A.067 Water resources--"Basic data fund" created.

Applicable Cases

The director of ecology may create within his department a fund to be known as the "basic data fund."

Into such fund shall be deposited all moneys contributed by persons for stream flow, ground water and water quality data or other hydrographic information furnished by the department in cooperation with the United States geological survey, and the fund shall be expended on a matching basis with the United States geological survey for the purpose of obtaining additional basic information needed for an intelligent inventory of water resources in the state.

Disbursements from the basic data fund shall be on vouchers approved by the department and the district engineer of the United States geological survey.

[1987 c 109 § 27; 1967 c 53 § 1; 1965 c 8 § 43.21.140. Prior: 1951 c 57 § 4; 1943 c 30 § 1; Rem. Supp. 1943 § 5505-1. Formerly RCW 43.21.140.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21A.068 Federal power act licensees--Exemption from state requirements.

Applicable Cases

(1) With respect to the safety of any dam, canal, ditch, hydraulic power plant, reservoir, project, or other work, system, or plant that requires a license under the federal power act, no licensee shall be required to:

(a) Submit proposals, plans, specifications, or other documents for approval by the department;

(b) Seek a permit, license, or other form, permission, or authorization from the department;

(c) Submit to inspection by the department; or

(d) Change the design, construction, modification, maintenance, or operation of such facilities at the demand of the department.

(2) For the purposes of this section, "licensee" means an owner or operator, or any employee thereof, of a dam, canal, ditch, hydraulic power plant, reservoir, project, or other work, system, or plant that requires a license under the federal power act.

[1995 c 8 § 2.]

Notes:

Findings--1995 c 8: See note following RCW 43.21A.064.

RCW 43.21A.069 Powers and duties--Flood control.

Applicable Cases

The department of ecology shall exercise all the powers and perform all the duties prescribed by law with respect to flood control.

[1987 c 109 § 28; 1965 c 8 § 43.21.160. Prior: 1941 c 204 § 2, part; Rem. Supp. 1941 § 9663F-2, part. Formerly

RCW 43.21.160.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21A.070 Application of administrative procedure act to the review of decisions by director.

Applicable Cases

The administrative procedure act, chapter 34.05 RCW, shall apply to the review of decisions by the director to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred by *this 1970 amendatory act to the department of ecology. The administrative procedure act shall further apply to all other decisions of the director as in chapter 34.05 RCW provided.

[1970 ex.s. c 62 § 7.]

Notes:

***Reviser's note:** For "this 1970 amendatory act" [1970 ex.s. c 62], see Codification Tables, Volume 0.

RCW 43.21A.080 Rule-making authority.

Applicable Cases

The director of the department of ecology is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter: PROVIDED, That the director may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt the rule.

[1995 c 403 § 103; 1970 ex.s. c 62 § 8.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.21A.085 Technical assistance officer and units--Coordination of voluntary compliance with regulatory laws.

Applicable Cases

The department, to the greatest extent possible, within available resources and without jeopardizing the department's ability to carry out its legal responsibilities, may designate one or more of its employees as a technical assistance officer, and may organize the officers into one or more technical assistance units within the department. The duties of a technical assistance officer are to coordinate voluntary compliance with the regulatory laws administered by the department and to provide technical assistance concerning compliance with the laws.

[1992 c 19 § 1.]

RCW 43.21A.087 Technical assistance officer and units--Authority to issue orders or assess penalties.

Applicable Cases

(1) An employee designated by the department as a technical assistance officer or as a member of a technical assistance unit may not, during the period of the designation, have authority to issue orders or assess penalties on behalf of the department. Such an employee who provides on-site consultation at an industrial or commercial facility and who observes violations of the law shall inform the owner or operator of the facility of the violations. On-site consultation visits by such an employee may not be regarded as inspections or investigations and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations of the law must be reported to the appropriate officers within the department. If the owner or operator of the facility does not correct the observed violations within a reasonable time, the department may reinspect the facility and take appropriate enforcement action. If a technical assistance officer or member of a technical assistance unit observes a violation of the law that places a person in danger of death or substantial bodily harm, or has caused or is likely to cause physical damage to the property of others in an amount exceeding one thousand dollars, the department may initiate enforcement action immediately upon observing the violation.

(2) The state, the department, and officers or employees of the state shall not be liable for damages to a person to the extent that liability is asserted to arise from the performance by technical assistance officers of their duties, or if liability is asserted to arise from the failure of the department to supply technical assistance.

[1992 c 19 § 2.]

RCW 43.21A.090 Powers, duties and functions transferred to department to be performed by director--Delegation by director, limitations.

Applicable Cases

All powers, duties and functions transferred to the department by the terms of *this 1970 amendatory act shall be performed by the director: PROVIDED, That the director may delegate, by appropriate rule or regulation, the performance of such of his powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever it appears desirable in fulfilling the policy and purposes of this chapter.

[1970 ex.s. c 62 § 9.]

Notes:

*Reviser's note: For "this 1970 amendatory act" [1970 ex.s. c 62], see Codification Tables, Volume 0.

RCW 43.21A.100 Departmental administrative divisions--Deputy director, duties--Assistant directors, duties--As exempt from state civil service law--Salaries.

Applicable Cases

In order to obtain maximum efficiency and effectiveness within the department, the director may create such administrative divisions within the department as he deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director. In the case of a vacancy in the office of director, the deputy director shall administer the department until the governor appoints a successor to the director or an acting director. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in RCW 41.06.073, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

[1970 ex.s. c 62 § 10.]

RCW 43.21A.120 Director to employ personnel--Application of state civil service law.

Applicable Cases

The director shall have the power to employ such personnel as may be necessary for the general administration of this chapter: PROVIDED, That except as specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

[1970 ex.s. c 62 § 12.]

RCW 43.21A.130 Studies by director--Limitation.

Applicable Cases

In addition to any other powers granted the director, the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air: PROVIDED, That in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action.

[1987 c 505 § 28; 1980 c 87 § 22; 1970 ex.s. c 62 § 13.]

RCW 43.21A.140 Director to consult with department, state board of health.

Applicable Cases

The director in carrying out his powers and duties under this chapter shall consult with the department of social and health services and the state board of health, or their successors, insofar as necessary to assure that those agencies concerned with the preservation of life and health may integrate their efforts to the fullest extent possible and endorse policies in common.

[1979 c 141 § 67; 1970 ex.s. c 62 § 14.]

RCW 43.21A.150 Director to consult with other states, federal government and Canadian provinces--Authority to receive and disburse grants, funds and gifts.

Applicable Cases

The director, whenever it is lawful and feasible to do so, shall consult and cooperate with the federal government, as well as with other states and Canadian provinces, in the study and control of environmental problems. On behalf of the department, the director is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

[1970 ex.s. c 62 § 15.]

RCW 43.21A.155 Environmental excellence program agreements--Effect on chapter.

Applicable Cases

Notwithstanding any other provision of law, any legal requirement under this chapter, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

[1997 c 381 § 20.]

Notes:

Purpose--1997 c 381: See RCW 43.21K.005.

RCW 43.21A.160 Request for certification of records as confidential--Procedure.

Applicable Cases

Whenever any records or other information furnished under the authority of this chapter to the director, the department, or any division of the department, relate to the processes of production unique to the owner or operator thereof, or may affect adversely the competitive position of such owner or operator if released to the public or to a competitor, the owner or operator of such processes or production may so certify, and request that such information or records be made available only for the confidential use of the director, the department, or the appropriate division of the department. The director shall give consideration to the request, and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of this chapter, may grant the same.

[1970 ex.s. c 62 § 16.]

RCW 43.21A.165 Environmental technology--Review of certification programs--Demonstration activities.

Applicable Cases

- (1) The legislature finds that:
 - (a) New and innovative environmental technologies can help improve environmental quality at lower costs;
 - (b) Current regulatory processes often include permits or approvals that require applicants to duplicate costly technical analysis;
 - (c) The commercialization of innovative environmental technologies can be discouraged due to the costs of repeated environmental analysis;

(d) The regulatory process can be improved by sharing and relying on information generated through demonstration projects and technical certification programs; and

(e) Other states have developed programs to certify environmental technologies in order to streamline the permitting process and to encourage use of environmental technologies.

(2) The legislature therefore declares that the department shall:

(a) Review environmental technology certification programs established by other states or federal agencies, and enter into agreements to use the information from these programs if the department finds that this information will improve the efficiency and effectiveness of the state's environmental regulatory process; and

(b) Participate in technology demonstration activities that support the state's needs for environmental technology.

[1997 c 419 § 1.]

RCW 43.21A.175 Environmental certification programs--Fees--Rules--Liability.

Applicable Cases

(1) At the request of a project proponent, the department shall consider information developed through a certification program when making permit or other regulatory decisions. The department may not require duplicative demonstration of such information, but may require additional information as necessary to assure that state requirements are met. A local government that has a regulatory authority delegated by the department may use information developed through a certification program when making permit or other regulatory decisions.

(2) The department shall develop a certification program for technologies for remediation of radioactive and mixed waste, as those terms are defined in chapter 70.105 RCW, if all program development and operational costs are paid by the federal government or persons seeking certification of the technologies.

(3) Following the development of the certification program in subsection (2) of this section, the department may use the policies and procedures of that program on a pilot basis to evaluate the use of certification for site remediation technologies and other environmental technologies, if the operational costs of the certification are paid by the federal government or persons seeking certification of such technologies.

(4) The department shall charge a reasonable fee to recover the operational costs of certifying a technology.

(5) Subsections (1), (3), and (4) of this section apply to permit and other regulatory decisions made under the following: Chapters 70.94, 70.95, 70.105, 70.105D, 70.120, 70.138, 90.48, 90.54, and 90.56 RCW.

(6) For the purposes of this section, "certification program" means a program, developed or approved by the department, to certify the quantitative performance of an environmental technology over a specified range of parameters and conditions. Certification of a technology does not imply endorsement of a specific technology by the department, or a guarantee of the performance of a technology.

(7) The department may adopt rules as necessary to implement the requirements of

subsections (2) and (3) of this section, and establish requirements and procedures for evaluation and certification of environmental technologies.

(8) The state, the department, and officers and employees of the state shall not be liable for damages resulting from the utilization of information developed through a certification program, or from a decision to certify or deny certification to an environmental technology. Actions of the department under this section are not decisions reviewable under RCW 43.21B.110.

[1997 c 419 § 2.]

RCW 43.21A.230 Certification of environmental laboratories authorized--Fees--Use of certified laboratories by persons submitting data or results to department.

Applicable Cases

The director of ecology may certify environmental laboratories which conduct tests or prepare data for submittal to the department. Fees for certification may be charged by the department to cover the department's costs. Such certification may consider:

- (1) Evaluating protocols and procedures;
- (2) Determining the accuracy and reliability of test results, including internal quality assurance and quality control procedures and proficiency at analyzing test samples supplied by the department;
- (3) Certifying laboratories based on prior certification by another state or federal agency whose certification requirements are deemed satisfactory by the director; and
- (4) Such other factors as the director considers appropriate.

The director of ecology may require that any person submitting laboratory data or test results to the department use laboratories certified by the department or laboratories which participate in quality assurance programs administered by the federal environmental protection agency.

Persons receiving a federal permit for wastewater discharge who operate a lab solely for their own use and who require certification for only conventional pollutants shall not be charged an annual certification fee in excess of the actual costs of providing the certification or four thousand dollars, whichever is less. Conventional pollutants as used in this subsection means those conventional pollutants regulated under the federal clean water act (33 U.S.C. Sec. 1314).

Fees and lab quality control requirements for persons receiving state or federal wastewater discharge permits shall not be implemented before September 30, 1988. The department shall not duplicate any laboratory quality control requirements imposed by the United States environmental protection agency.

[1987 c 481 § 1.]

RCW 43.21A.235 Exemption from laboratory certification and fee requirements.

Applicable Cases

Laboratories owned by persons holding wastewater discharge permits and operated solely for their own use which participate in quality assurance programs administered by the federal

environmental protection agency shall be exempt from certification and fee requirements for the specific methods and tests which are the subject of such quality assurance programs.

[1987 c 481 § 2.]

RCW 43.21A.250 Pollution control hearings board of the state as affecting department, director and commission.

Applicable Cases

See chapter 43.21B RCW.

RCW 43.21A.350 Master plan of development.

Applicable Cases

The department of ecology shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall address how the department will expedite the completion of industrial projects of state-wide significance. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the department a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The department shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan.

[1997 c 369 § 6; 1987 c 109 § 29; 1965 c 8 § 43.21.190. Prior: 1957 c 215 § 22; 1933 ex.s. c 54 § 3; RRS § 10930-3. Formerly RCW 43.21.190.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

Industrial project of state-wide significance--Defined: RCW 43.157.010.

RCW 43.21A.355 Master plan of development--Public hearings.

Applicable Cases

The director may hold public hearings, in connection with any duty prescribed in RCW 43.21A.350 and may compel the attendance of witnesses and the production of evidence.

[1988 c 127 § 7; 1965 c 8 § 43.21.200. Prior: 1957 c 215 § 23; 1933 ex.s. c 54 § 4; RRS § 10930-4. Formerly RCW 43.21.200.]

RCW 43.21A.405 Marine pollution--Baseline study program--Legislative finding and declaration.

Applicable Cases

The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps must be undertaken to reduce this risk. The legislature also is aware that such danger is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of Puget Sound is two hundred twenty feet. There is a great diversity of animal life in the waters of the state. These waters have a multitude of uses by both humans and nonhumans, and the interaction between man's activities and natural processes in these waters varies greatly with locale.

[1973 2nd ex.s. c 30 § 1.]

Notes:

Oil and hazardous substances pollution: RCW 90.56.010 through 90.56.280.

RCW 43.21A.410 Marine pollution--Baseline study program established--Utilization of related programs--Coordination--Contracts.

Applicable Cases

As part of the state effort to prevent and control oil pollution, a continuing, comprehensive program of systematic baseline studies for the waters of the state shall be established by the department of ecology. Full utilization of related historical data shall be made in planning these studies. Data from these and other scientific investigations made pursuant to RCW 43.21A.405 through 43.21A.420 should, whenever possible, have multiple use, including use as supporting evidence of environmental damage resulting from oil pollution, as indicators of the potential or existing risks and impacts of oil pollution, as aids to developing a methodology for implementing the reduction of risks, and as aids to maintaining water quality standards.

A baseline study program shall take full advantage of the data and information produced by related programs, such as the marine ecosystems analysis (MESA) program of the national oceanic and atmospheric administration, studies and inventories made pursuant to the state shorelines management act of 1971, and others. All phases of the program, including planning, operations, data analysis, interpretation, storage, retrieval, and dissemination phases, shall be coordinated to the greatest possible extent with appropriate governmental, academic, and industrial organizations. Whenever possible, the department shall contract with existing state agencies, boards, commissions, and institutions of higher education for the scientific

investigation programs to be conducted.

[1973 2nd ex.s. c 30 § 2.]

RCW 43.21A.415 Marine pollution--Baseline study program--Scope of data base produced.

Applicable Cases

The data base produced by such studies should include chemical, physical, and biological parameters of the waters, complete information on marine pollution accidents, and an economic evaluation of the marine resources and shoreline properties that may be damaged or impaired by oil pollution. Where oceanographic and water quality instrumentation is used to gather data, such instruments shall be standardized and intercalibrated.

[1973 2nd ex.s. c 30 § 3.]

RCW 43.21A.420 Marine pollution--Baseline study program--Priority factors.

Applicable Cases

In planning the state baseline studies program, priority shall be given to those waters (1) in which the greatest risk of damage from oil spills exists; (2) which contain marine and fresh water life that is particularly sensitive to toxins contained in crude oil, oil products, and oil wastes; and (3) which are used or may be used for the harvesting, gathering, or production of food or food products.

[1973 2nd ex.s. c 30 § 4.]

RCW 43.21A.430 Catalytic converters in police, ambulance or emergency aid vehicles--Department's powers restricted in respect thereto.

Applicable Cases

The department of ecology may not adopt, maintain in effect, or enforce any rule requiring the installation or maintenance of a catalytic converter in the exhaust system of any motor vehicle used as a police vehicle, or ambulance, an emergency aid vehicle, or a fire department vehicle, and any catalytic converter in the exhaust system of any such vehicle may be lawfully removed.

[1977 ex.s. c 264 § 1.]

RCW 43.21A.440 Department authorized to participate in and administer federal Comprehensive Environmental Response, Compensation and Liability Act.

Applicable Cases

The department of ecology is authorized to participate fully in and is empowered to administer all programs of the federal Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), as it exists on July 24, 1983, contemplated for state participation and administration under that act.

[1983 c 270 § 3.]

Notes:

Severability--1983 c 270: See note following RCW 90.48.260.

RCW 43.21A.445 Departments authorized to participate in and administer federal Safe Drinking Water Act--Agreements with other departments.

Applicable Cases

The department of ecology, the department of natural resources, the department of health, and the *oil and gas conservation committee are authorized to participate fully in and are empowered to administer all programs of Part C of the federal Safe Drinking Water Act (42 U.S.C. Sec. 300h et seq.), as it exists on June 19, 1986, contemplated for state participation in administration under the act.

The department of ecology, in the implementation of powers provided herein shall enter into agreements of administration with the departments of health and natural resources and the *oil and gas conservation committee to administer those portions of the state program, approved under the federal act, over which the said departments and committee have primary subject-matter authority under existing state law. The departments of health and natural resources and the *oil and gas conservation committee are empowered to enter into such agreements and perform the administration contained therein.

[1989 1st ex.s. c 9 § 218; 1988 c 279 § 1; 1983 c 270 § 4.]

Notes:

***Reviser's note:** The duties of the oil and gas conservation committee were transferred to the department of natural resources by 1994 sp.s. c 9.

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability--1983 c 270: See note following RCW 90.48.260.

Adoption of rules for on-site sewage disposal systems adjacent to marine waters: RCW 90.48.264.

Drinking water quality consumer complaints: RCW 80.04.110.

RCW 43.21A.450 Control of outflow and level of Lake Osoyoos--Lake Osoyoos International Water Control Structure authorized.

Applicable Cases

(1) The legislature recognizes the need for the state of Washington to implement an understanding reached with the Province of British Columbia in relation to a joint venture with British Columbia for controlling the outflow and level of Lake Osoyoos, an international lake, and in connection therewith to replace an existing lake control structure on the Okanogan river in Washington state which has been classified as deteriorated and unsafe.

(2) For the purpose of implementing subsection (1) of this section, the department of ecology may acquire, design, construct, own, operate, and maintain a project to be known as the Lake Osoyoos International Water Control Structure and may acquire all real property interests necessary thereto by purchase, grant, gift, or eminent domain; provided that the authority of eminent domain as granted to the department under this section is limited to acquiring property necessary for access to the control structure, location of abutments for the control structure, and flowage easements if necessary.

(3) The department may accept and administer grants or gifts from any source for the

purpose of carrying out subsection (2) of this section.

(4) The department may exercise its powers under subsection (2) of this section directly or through contracts, except that it may not delegate its authority of eminent domain. The department may also enter into agreements with any public or municipal corporation with respect to operation and maintenance of the project authorized under subsection (2) of this section.

[1985 c 27 § 1; 1982 c 76 § 1.]

Notes:

Intent--1985 c 27; 1982 c 76: "It is the intent of this legislature in enacting RCW 43.21A.450 that total capital costs for the said project be shared equally by Washington state and British Columbia." [1985 c 27 § 2; 1982 c 76 § 2.]

RCW 43.21A.470 Yakima enhancement project--Duties--Request for congressional authorization for pipeline.

Applicable Cases

(1) The director of the department of ecology shall:

(a) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia Basin project;

(b) Vigorously represent the state's interest in said studies, particularly as they relate to protection of existing water rights and resolution of conflicts in the adjudication of the Yakima river within the framework of state water rights law and propose means of resolving the conflict that minimize adverse effects on the various existing uses;

(c) As a cooperative federal and nonfederal effort, work with members of the congressional delegation to identify and advance, subject to the limitations in subsection (2) of this section, for federal authorization elements of the Yakima enhancement project which: Have general public support and acceptable cost-sharing arrangements, meet study objectives, and otherwise have potential for early implementation; and

(d) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

(2) In the interest of promoting cooperation between all interested parties and to effectuate the efficient and satisfactory implementation of the Yakima enhancement project, the state requests that Congress authorize the construction of a pipeline between Keechelus Lake and Kachess Lake as one of the elements of early implementation of the Yakima enhancement project for the purpose of supplying the water which is demanded for and caused by the operation of the fish passage facilities at the Easton Dam. The department, in concert with other state agencies, shall work diligently to assure that the pipeline element is included in the federal legislation.

[1987 c 517 § 1; 1986 c 316 § 3.]

RCW 43.21A.510 State environmental profile.

Applicable Cases

In order to assist the department of community, trade, and economic development in

providing information to businesses interested in locating in Washington state, the department shall develop an environmental profile of the state. This profile shall identify the state's natural resources and describe how these assets are valuable to industry. Examples of information to be included are water resources and quality, air quality, and recreational opportunities related to natural resources.

[1995 c 399 § 66; 1985 c 466 § 51; 1984 c 94 § 2.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

Findings--1984 c 94: "The legislature finds (1) that a locality's natural environment is an important factor in determining where new businesses will locate, (2) that environmental regulations that preserve the quality of the environment can enhance economic development and the determination by new businesses where to locate and can lead to the creation of jobs and new industries, and (3) that some areas of the state have been and might be handicapped in their economic development efforts because of perceived environmental problems. Thus, the legislature declares that it is the policy of this state to recognize and emphasize the importance of the state's natural environment in its economic development efforts in attracting and maintaining businesses." [1984 c 94 § 1.]

RCW 43.21A.515 Assistance to businesses interested in locating in Washington required--Information on environmental laws and regulations to be provided.

Applicable Cases

In order to emphasize the importance of the state's environmental laws and regulations and to facilitate compliance with them, the department of ecology shall provide assistance to businesses interested in locating in Washington state. When the department of community, trade, and economic development receives a query from an interested business through its industrial marketing activities, it shall arrange for the department of ecology to provide information on the state's environmental laws and regulations and methods of compliance. This section shall facilitate compliance with state environmental laws and regulations and shall not weaken their application or effectiveness.

[1995 c 399 § 67; 1985 c 466 § 52; 1984 c 94 § 3.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

Findings--1984 c 94: See note following RCW 43.21A.510.

RCW 43.21A.520 Environmental excellence awards program for products.

Applicable Cases

(1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning products;

- (c) Pest control products;
- (d) Automotive, marine, and related maintenance products;
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

(2) The state solid waste advisory committee shall establish an environmental excellence product award subcommittee to develop and recommend criteria for awarding environmental excellence awards for products. The subcommittee shall also review award applications and make recommendations to the department. The subcommittee shall consist of equal representation of: (a) Product manufacturing or other business representatives; (b) environmental representatives; (c) labor or consumer representatives; and (d) independent technical experts. Members of the subcommittee need not necessarily be regular members of the state solid waste advisory committee.

(3) Products receiving an environmental excellence award pursuant to this section shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department.

[1989 c 431 § 47; 1987 c 67 § 1.]

Notes:

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.21A.600 Powers and duties--Electric power resources.

Applicable Cases

The department shall make studies and surveys, collect, compile and disseminate information and statistics to facilitate development of the electric power resources of the state by public utility districts, municipalities, electric cooperatives, joint operating agencies and public utility companies. The director may cause studies to be made relating to the construction of steam generating plants using any available fuel and their integration with hydro-electric facilities. He may cause designs for any such plant to be prepared. He shall employ such engineers and other experts and assistants as may be necessary to carry out his power resources functions.

[1988 c 127 § 8; 1965 c 8 § 43.21.220. Prior: 1957 c 284 § 2. Formerly RCW 43.21.220.]

Notes:

Joint operating agencies: Chapter 43.52 RCW.

RCW 43.21A.605 Development of electric power resources--Cooperation with governmental units.

Applicable Cases

The director may represent the state and aid and assist the public utilities therein to the end that its resources shall be properly developed in the public interest insofar as they affect electric power and to this end he shall cooperate and may negotiate with Canada, the United States, the states thereof and their agencies to develop and integrate the resources of the region.

[1988 c 127 § 9; 1965 c 8 § 43.21.230. Prior: 1957 c 284 § 3. Formerly RCW 43.21.230.]

RCW 43.21A.610 Steam electric generating plant--Study--Construction.

Applicable Cases

The director shall continue the study of the state power commission made in 1956 relating to the construction of a steam power electric generating plant, and if the construction of a steam electric generating plant is found to be feasible by the director, the director may construct such plant at a site determined by him to be feasible and operate it as a state owned facility.

[1988 c 127 § 10; 1965 c 8 § 43.21.250. Prior: 1957 c 275 § 3. Formerly RCW 43.21.250]

RCW 43.21A.612 Steam electric generating plant--Statement of intention--Construction by public utility, operating agency, or the department, procedure--Powers of director of community, trade, and economic development.

Applicable Cases

Before the director shall construct said steam generating facility within the state, or make application for any permit, license or other right necessary thereto, the director shall give notice thereof by publishing once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is located a statement of intention setting forth the general nature, extent and location of the project. If any public utility in the state or any operating agency desires to construct such facility, such utility or operating agency shall notify the director thereof within ten days after the last date of publication of such notice. If the director determines that it is in the best public interest that the director proceed with such construction rather than the public utility or operating agency, the director shall so notify the director of community, trade, and economic development, who shall set a date for hearing thereon. If after considering the evidence introduced the director of community, trade, and economic development finds that the public utility or operating agency making the request intends to immediately proceed with such construction and is financially capable of carrying out such construction and further finds that the plan of such utility or operating agency is equally well adapted to serve the public interest, the director shall enter an order so finding and such order shall divest the director of authority to proceed further with such construction or acquisition until such time as the other public utility or agency voluntarily causes an assignment of its right or interest in the project to the director or fails to procure any further required governmental permit, license or authority or having procured such, has the same revoked or withdrawn, in accordance with the laws and regulations of such governmental entity, in which event the director shall have the same authority to proceed as though the director had originally entered an order so authorizing the director to proceed. If, after considering the evidence introduced, the director of community, trade, and economic development finds that the public utility or agency making the request does not intend to immediately proceed with such construction or acquisition or is not financially capable of carrying out such construction or acquisition, or finds that the plan of such utility or operating agency is not equally well adapted to serve the public interest, the director shall then enter an order so finding and authorizing the

director to proceed with the construction or acquisition of the facility.

[1995 c 399 § 68; 1988 c 127 § 11; 1985 c 466 § 49; 1965 c 8 § 43.21.260. Prior: 1957 c 275 § 4. Formerly RCW 43.21.260.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.21A.614 Steam electric generating plant--Powers of director in constructing, operating and maintaining.

Applicable Cases

In order to construct, operate and maintain the single steam power electric generating plant provided for in RCW 43.21A.610 the director shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate such steam electric power plant, work and facilities for the generation and/or transmission of electric energy and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of such work, plant and facilities; providing that the director shall not be authorized to acquire by condemnation any plant, work and facility owned and operated by any city or district, or by a privately owned public utility.

(3) To apply to the appropriate agencies of the state of Washington, the United States or any state thereof, or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(4) To establish rates for electric energy sold or transmitted by the director. When any revenue bonds or warrants are outstanding the director shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy furnished or supplied by the director which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the director is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the director and all necessary repairs, replacements and renewals thereof.

(5) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the director may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the director shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the director.

[1988 c 127 § 12; 1965 c 8 § 43.21.270. Prior: 1957 c 275 § 5. Formerly RCW 43.21.270.]

RCW 43.21A.616 Steam electric generating plant--Eminent domain.

Applicable Cases

For the purpose of carrying out any or all of the powers herein granted the director shall have the power of eminent domain for the acquisition of either real or personal property used or useful in connection with the construction of facilities authorized hereunder. Actions in eminent domain pursuant to RCW 43.21A.610 through 43.21A.642 shall be brought in the name of the state in any court of competent jurisdiction under the procedure set out in chapter 8.04 RCW. The director may institute condemnation proceedings in the superior court of any county in which any of the property sought to be condemned is located or in which the owner thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. Upon the filing of a petition for condemnation, as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceedings during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the director into possession of any property condemned.

[1988 c 127 § 13; 1965 c 8 § 43.21.280. Prior: 1957 c 275 § 6. Formerly RCW 43.21.280.]

RCW 43.21A.618 Steam electric generating plant--State not financially obligated--Separation and expenditure of funds.

Applicable Cases

The director shall have no right or power to impose any debt nor to suffer or create any financial obligation upon the state of Washington or its subdivisions in the execution of RCW 43.21A.610 through 43.21A.642.

No revenues received by the director for the sale of electricity or otherwise, shall be expended except for the payment of lawful obligations of the director and all such revenues and receipts shall be kept and maintained in a separate fund.

[1988 c 127 § 14; 1965 c 8 § 43.21.290. Prior: 1957 c 275 § 7. Formerly RCW 43.21.290.]

RCW 43.21A.620 Steam electric generating plant--Revenue bonds and warrants.

Applicable Cases

For the purposes provided for in RCW 43.21A.610 through 43.21A.642, the state finance committee shall, upon being notified to do so by the director, issue revenue bonds or warrants payable from the revenues from the steam electric plant provided for in RCW 43.21A.610. When the director deems it advisable that he acquire or construct said steam electric plant or make additions or betterments thereto, he shall so notify the state finance committee and he shall also notify the state finance committee as to the plan proposed, together with the estimated cost thereof. The state finance committee, upon receiving such notice, shall provide for the

construction thereof and the issuance of revenue bonds or warrants therefor by a resolution which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as nearly as may be, including as part of the cost, funds necessary for working capital for the operation of such utility and the payment of the expenses incurred in the acquisition or construction thereof. Such resolution shall specify that utility revenue bonds are to be issued to defray the cost thereof and the amount of such bonds to be issued. Bonds issued under the provisions of RCW 43.21A.610 through 43.21A.642 shall distinctly state that they are not a general obligation of the state.

[1988 c 127 § 15; 1965 c 8 § 43.21.300. Prior: 1957 c 275 § 8. Formerly RCW 43.21.300.]

RCW 43.21A.622 Steam electric generating plant--Special funds--Payment of bonds, interest.

Applicable Cases

When the state finance committee issues revenue bonds as provided in RCW 43.21A.620, it shall, as a part of the plan and system, request the state treasurer to establish a special fund or funds to defray the cost of the steam electric utility, or additions or betterments thereto or extensions thereof. The state finance committee may obligate and bind the director to set aside and pay to the state treasurer for deposit into such fund or funds a fixed proportion of the gross revenue of the steam electric utility and all additions or betterments thereto or extensions thereof, or any fixed amount out of, and not exceeding the fixed proportion of such revenue, or a fixed amount without regard to any fixed proportion, or an amount of the revenue equal to a fixed percentage of the aggregate principal amount of revenue bonds at any time issued against the special fund or funds. It may issue and sell utility bonds payable as to both principal and interest only out of such fund or funds.

The revenue bonds shall be payable at such places and times, both as to principal and interest, and bear interest at such rates payable semiannually as the state finance committee shall determine.

[1988 c 127 § 16; 1965 c 8 § 43.21.310. Prior: 1957 c 275 § 9. Formerly RCW 43.21.310.]

RCW 43.21A.624 Steam electric generating plant--Considerations in issuance of bonds, limitations.

Applicable Cases

In the issuance of any bonds hereunder the state finance committee shall have due regard to the cost of operation and maintenance of the steam electric utility as acquired, constructed or added to, and to any proportion or amount of the revenue previously pledged as a fund for the payment of revenue bonds. It shall not require to be set aside into the fund a greater amount or proportion of the revenue than in its judgment and as agreed to by the director will be available over and above the cost of maintenance and operation and any amount or proportion of the revenue so previously pledged. Revenue bonds and interest thereon issued against such fund shall be a valid claim of the holder thereof only as against the fund and the proportion or amount of the revenue pledged thereto, but shall constitute a prior charge over all other charges or claims

whatsoever against the fund and the proportion or amount of the revenues pledged thereto. Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating it.

[1988 c 127 § 17; 1965 c 8 § 43.21.320. Prior: 1957 c 275 § 10. Formerly RCW 43.21.320.]

RCW 43.21A.626 Steam electric generating plant--Resolution authorizing issuance of bonds, contents, covenants.

Applicable Cases

The resolution of the state finance committee authorizing the issuance of revenue bonds shall specify the title of the bonds as determined by the state finance committee, and may contain covenants by the committee to protect and safeguard the security and the rights of the holders thereof, including covenants as to, among other things:

(1) The purpose or purposes to which the proceeds of the sale of the revenue bonds may be applied and the use and disposition thereof;

(2) The use and disposition of the gross revenue of the steam electric utility and any additions or betterments thereto or extensions thereof, the cost of which is to be defrayed with such proceeds, including the creation and maintenance of funds for working capital to be used in the operation of the steam electric utility and for renewals and replacements thereof;

(3) The amount, if any, of additional revenue bonds payable from such fund which may be issued and the terms and conditions on which such additional revenue bonds or warrants may be issued;

(4) The establishment and maintenance of adequate rates and charges for electric power and energy and other services, facilities, and commodities, sold, furnished or supplied by the steam electric utility;

(5) The operation, maintenance, management, accounting and auditing of the electric utility;

(6) The terms upon which the revenue bonds, or any of them, may be redeemed at the election of the agency;

(7) Limitations upon the right to dispose of the steam electric utility or any part thereof without providing for the payment of the outstanding revenue bonds; and

(8) The appointment of trustees, depositaries, and paying agents to receive, hold, disburse, invest, and reinvest all or any part of the income, revenue, receipts and profits derived by the director from the operation, ownership, and management of its steam electric utility.

[1988 c 127 § 18; 1965 c 8 § 43.21.330. Prior: 1957 c 275 § 11. Formerly RCW 43.21.330.]

RCW 43.21A.628 Steam electric generating plant--Sale of bonds.

Applicable Cases

All bonds issued under or by authority of RCW 43.21A.610 through 43.21A.642 shall be sold to the highest and best bidder after such advertising for bids as the state finance committee may deem proper. The state finance committee may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the state finance

committee may deem most advantageous to its own interests.

[1988 c 127 § 19; 1970 ex.s. c 56 § 61; 1969 ex.s. c 232 § 32; 1965 c 8 § 43.21.340. Prior: 1957 c 275 § 12. Formerly RCW 43.21.340.]

Notes:

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 43.21A.630 Steam electric generating plant--Examination, registration of bonds by state auditor--Defects, irregularities.

Applicable Cases

Prior to the issuance and delivery of any revenue bonds, such bonds and a certified copy of the resolution authorizing them shall be delivered to the state auditor together with any additional information that he may require. When the bonds have been examined they shall be registered by the auditor in books to be kept by him for that purpose, and a certificate of registration shall be endorsed upon each bond and signed by the auditor or a deputy appointed by him for the purpose. The bonds shall then be prima facie valid and binding obligations of the state finance committee in accordance with their terms, notwithstanding any defects or irregularities in the authorization and issuance of the bonds, or in the sale, execution or delivery thereof.

[1965 c 8 § 43.21.350. Prior: 1957 c 275 § 13. Formerly RCW 43.21.350.]

RCW 43.21A.632 Steam electric generating plant--Rates or charges.

Applicable Cases

When revenue bonds are outstanding the director shall establish, maintain, and collect rates or charges for electric power and energy, and other services, facilities and commodities sold and supplied by the director which shall be fair and nondiscriminatory and adequate to provide revenue sufficient to pay the principal of and interest on revenue bonds outstanding, and all payments which the director is obligated to make to the state treasurer for deposit in any special fund or funds created for such purpose, and for the proper operation and maintenance of the utility and all necessary repairs, replacements and renewals thereof.

[1988 c 127 § 20; 1965 c 8 § 43.21.360. Prior: 1957 c 275 § 14. Formerly RCW 43.21.360.]

RCW 43.21A.634 Steam electric generating plant--Refunding revenue bonds.

Applicable Cases

When the state finance committee has outstanding revenue bonds, the state finance committee, with the concurrence of the director, may by resolution provide for the issuance of refunding revenue bonds with which to refund the outstanding revenue bonds, or any part thereof at maturity, or before maturity if they are by their terms or by other agreement, subject to call for prior redemption, with the right in the state finance committee to combine various series and issues of the outstanding revenue bonds by a single issue of refunding revenue bonds. The refunding bonds shall be payable only out of a special fund created out of the gross revenue of

the steam electric utility, and shall only be a valid claim as against such special fund and the amount or proportion of the revenue of the utility pledged to said fund. The rate of interest on refunding revenue bonds shall not exceed the rate of interest on revenue bonds refunded thereby. The state finance committee may exchange the refunding revenue bonds for the revenue bonds which are being refunded, or it may sell them in such manner as it deems for its best interest. Except as specifically provided in this section, the refunding revenue bonds shall be issued in accordance with the provisions contained in RCW 43.21A.610 through 43.21A.642 with respect to revenue bonds.

[1988 c 127 § 21; 1965 c 8 § 43.21.370. Prior: 1957 c 275 § 15. Formerly RCW 43.21.370.]

RCW 43.21A.636 Steam electric generating plant--Signatures on bonds.

Applicable Cases

All revenue bonds, including refunding revenue bonds, shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons may have printed or lithographic facsimile of the signatures of such officers.

[1965 c 8 § 43.21.380. Prior: 1957 c 275 § 16. Formerly RCW 43.21.380.]

RCW 43.21A.638 Steam electric generating plant--Provisions of law, resolution, a contract with bondholder--Enforcement.

Applicable Cases

The provisions of RCW 43.21A.610 through 43.21A.642 and any resolution providing for the issuance of revenue bonds shall constitute a contract with the holder or holders from time to time of the revenue bonds of the state finance committee. Such provisions of RCW 43.21A.610 through 43.21A.642 and of any such resolution shall be enforceable by any such bondholders by appropriate action in any court of competent jurisdiction.

[1988 c 127 § 22; 1965 c 8 § 43.21.390. Prior: 1957 c 275 § 17. Formerly RCW 43.21.390.]

RCW 43.21A.640 Steam electric generating plant--Bonds are legal security, investment, negotiable.

Applicable Cases

All revenue bonds issued hereunder shall be legal securities, which may be used by a bank or trust company for deposit with the state treasurer, or by a county or city or town treasurer, as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys. They shall constitute legal investments for trustees and other fiduciaries other than corporations doing a trust business in this state, and for savings and loan associations, banks and insurance companies doing business in this state. All revenue bonds and all coupons appertaining thereto shall be negotiable instruments within the meaning and for all purposes of the negotiable instruments law.

[1965 c 8 § 43.21.400. Prior: 1957 c 275 § 18. Formerly RCW 43.21.400.]

RCW 43.21A.642 Steam electric generating plant--Director not authorized to acquire other facilities or engage in retail distribution.

Applicable Cases

Nothing in RCW 43.21A.610 through 43.21A.642 shall authorize or empower the director to purchase or acquire any transmission or distribution system or facilities or to engage in the retail distribution of electric energy, or to purchase or acquire any operating hydroelectric generating plant owned by any city or district, or by a privately owned public utility, or which hereafter may be acquired by any city or district by condemnation.

[1988 c 127 § 23; 1965 c 8 § 43.21.410. Prior: 1957 c 275 § 19. Formerly RCW 43.21.410.]

RCW 43.21A.650 Freshwater aquatic weeds account.

Applicable Cases

The freshwater aquatic weeds account is hereby created in the state treasury. Expenditures from this account may only be used as provided in RCW 43.21A.660. Moneys in the account may be spent only after appropriation.

[1991 c 302 § 2.]

Notes:

Findings--1991 c 302: "The legislature hereby finds that Eurasian water milfoil and other freshwater aquatic weeds can adversely affect fish populations, reduce habitat for desirable plant and wildlife species, and decrease public recreational opportunities. The legislature further finds that the spread of freshwater aquatic weeds is a state-wide problem and requires a coordinated response among state agencies, local governments, and the public. It is therefore the intent of the legislature to establish a funding source to reduce the propagation of Eurasian water milfoil and other freshwater aquatic weeds and to manage the problems created by such freshwater aquatic plants."
[1991 c 302 § 1.]

Effective date--1991 c 302: See note following RCW 46.16.670.

RCW 43.21A.660 Freshwater aquatic weeds management program.

Applicable Cases

Funds in the freshwater aquatic weeds account may be appropriated to the department of ecology to develop a freshwater aquatic weeds management program. Funds shall be expended as follows:

(1) No less than two-thirds of the appropriated funds shall be issued as grants to (a) cities, counties, tribes, special purpose districts, and state agencies to prevent, remove, reduce, or manage excessive freshwater aquatic weeds; (b) fund demonstration or pilot projects consistent with the purposes of this section; and (c) fund hydrilla eradication activities in waters of the state. Except for hydrilla eradication activities, such grants shall only be issued for lakes, rivers, or streams with a public boat launching ramp or which are designated by the department of fish and wildlife for fly-fishing. The department shall give preference to projects having matching funds or in-kind services; and

(2) No more than one-third of the appropriated funds shall be expended to:

(a) Develop public education programs relating to preventing the propagation and spread

of freshwater aquatic weeds; and

- (b) Provide technical assistance to local governments and citizen groups.

[1999 c 251 § 1; 1996 c 190 § 1; 1991 c 302 § 4.]

Notes:

Findings--1991 c 302: See note following RCW 43.21A.650.

Effective date--1991 c 302: See note following RCW 46.16.670.

Experimental application of herbicides for algae control: RCW 90.48.447.

RCW 43.21A.662 Freshwater aquatic weeds management program--Advisory committee.

Applicable Cases

(1) The department shall appoint an advisory committee to oversee the freshwater aquatic weeds management program.

(2) The advisory committee shall include representatives from the following groups:

- (a) Recreational boaters interested in freshwater aquatic weed management;
- (b) Residents adjacent to lakes, rivers, or streams with public boat launch facilities;
- (c) Local governments;
- (d) Scientific specialists;
- (e) Pesticide registrants, as defined in RCW 15.58.030(34);
- (f) Certified pesticide applicators, as defined in RCW 17.21.020(5), who specialize in the use of aquatic pesticides; and

(g) If *chapter . . ., Laws of 1999 (Senate Bill No. 5315) is enacted by June 30, 1999, the aquatic nuisance species coordinating committee.

(3) The advisory committee shall review and provide recommendations to the department on freshwater aquatic weeds management program activities and budget and establish criteria for grants funded from the freshwater aquatic weeds account.

[1999 c 251 § 2.]

Notes:

***Reviser's note:** Senate Bill No. 5315 (1999) was not enacted into law by June 30, 1999.

RCW 43.21A.670 Senior environmental corps--Department powers and duties.

Applicable Cases

(1) The department of ecology shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 9.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.21A.680 Solid waste plan advisory committee abolished.

Applicable Cases

The director of ecology shall abolish the solid waste plan advisory committee effective July 1, 1994.

[1994 sp.s. c 9 § 804.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.21A.900 Chapter to be liberally construed.

Applicable Cases

The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the broad purposes set forth in RCW 43.21A.020.

[1970 ex.s. c 62 § 27.]

RCW 43.21A.910 Savings--Permits, standards not affected--Severability--Effective date--1970 ex.s. c 62.

Applicable Cases

See notes following RCW 43.21A.010.

**Chapter 43.21B RCW
ENVIRONMENTAL HEARINGS OFFICE--POLLUTION CONTROL HEARINGS
BOARD**

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RCW 43.21B.001 Definitions.

Applicable Cases

As used in this chapter, "department" means the department of ecology, and "director" means the director of ecology.

[1987 c 109 § 4.]

Notes:

Purpose--1987 c 109: "The purposes of this act are to:

(1) Simplify and clarify existing statutory and administrative procedures for appealing decisions of the department of ecology and air pollution control authorities in order to (a) expedite those appeals, (b) insure that those appeals are conducted with a minimum of expense to save state and private resources, and (c) allow the appellate authorities to decide cases on their merits rather than on procedural technicalities.

(2) Clarify existing statutes relating to the environment but which refer to numerous agencies no longer in existence.

(3) Eliminate provisions no longer effective or meaningful and abbreviate statutory provisions which are unnecessarily long and confusing." [1987 c 109 § 1.]

Short title--1987 c 109: "This act may be referred to as the "ecology procedures simplification act of 1987." [1987 c 109 § 2.]

Construction--1987 c 109: "Unless otherwise specifically intended, this act shall not be construed to change existing substantive or procedural law; it should only clarify and standardize existing procedures." [1987 c 109 § 3.]

Rules--1987 c 109: "The department of ecology shall amend its rules by June 30, 1988, to effect the

purposes of this act." [1987 c 109 § 160.]

Severability--1987 c 109: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 109 § 161.]

Captions--1987 c 109: "As used in this act, bill headings and section captions constitute no part of the law." [1987 c 109 § 162.]

RCW 43.21B.005 Environmental hearings office created--Composition--Administrative appeals judges--Contracts for services.

Applicable Cases

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, and the hydraulic appeals board created in RCW 75.20.130. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

[1999 c 125 § 1; 1990 c 65 § 1; 1986 c 173 § 3; 1979 ex.s. c 47 § 2.]

Notes:

Intent--1979 ex.s. c 47: "It is the intent of the legislature to consolidate administratively the pollution control hearings board, the forest practices appeals board, and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. It is not the intent of the legislature in consolidating these boards to change the existing membership of these boards.

All full-time employees of the pollution control hearings board and the full-time employee of the forest practices appeals board shall be full-time employees of the environmental hearings office without loss of rights. Property and obligations of these boards and the shorelines hearings board shall be property and obligations of the

environmental hearings office." [1979 ex.s. c 47 § 1.]

RCW 43.21B.010 Pollution control hearings board created--Purpose.

Applicable Cases

There is hereby created within the environmental hearings office a pollution control hearings board of the state of Washington.

The purpose of the pollution control hearings board is to provide for a more expeditious and efficient disposition of appeals with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW.

[1979 ex.s. c 47 § 3; 1970 ex.s. c 62 § 31.]

Notes:

Intent--1979 ex.s. c 47: See note following RCW 43.21B.005.

RCW 43.21B.020 Members--Qualifications--Appointment.

Applicable Cases

The hearings board shall consist of three members qualified by experience or training in pertinent matters pertaining to the environment, and at least one member of the hearings board shall have been admitted to practice law in this state and engaged in the legal profession at the time of his appointment. The hearings board shall be appointed by the governor with the advice and consent of the senate, and no more than two of whom at the time of appointment or during their term shall be members of the same political party.

[1970 ex.s. c 62 § 32.]

RCW 43.21B.030 Members--Terms--Filling vacancies, term.

Applicable Cases

Members of the hearings board shall be appointed for a term of six years and until their successors are appointed and have qualified. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs: PROVIDED, That the terms of the first three members of the hearings board shall be staggered so that one member shall be appointed to serve until July 1, 1972, one member until July 1, 1974, and one member until July 1, 1976.

[1970 ex.s. c 62 § 33.]

RCW 43.21B.040 Removal of member, procedure--As disqualification for reappointment.

Applicable Cases

Any member of the hearings board may be removed for inefficiency, malfeasance and misfeasance in office, under specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing which shall be

public, and the procedure for the hearing, and the decision of such tribunal shall be final and not subject to review by the supreme court. Removal of any member of the hearings board by the tribunal shall disqualify such member for reappointment.

[1970 ex.s. c 62 § 34.]

RCW 43.21B.050 Governor to determine basis for operation--Compensation if part time basis, limitation--Reimbursement of travel expenses.

Applicable Cases

The hearings board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the hearings board shall operate on a full time basis, each member of the hearings board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined the hearings board shall operate on a part time basis, each member of the hearings board shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties but such compensation shall not exceed ten thousand dollars in a fiscal year. Each hearings board member shall receive reimbursement for travel expenses incurred in the discharge of his duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1975-'76 2nd ex.s. c 34 § 101; 1970 ex.s. c 62 § 35.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.21B.060 Restrictions upon conduct while member and upon termination of membership.

Applicable Cases

Each member of the hearings board: (1) Shall not be a candidate for nor hold any other public office or trust, and shall not engage in any occupation or business interfering with or inconsistent with his duty as a member of the hearings board, nor shall he serve on or under any committee of any political party; and (2) shall not for a period of one year after the termination of his membership on the hearings board, act in a representative capacity before the hearings board on any matter.

[1970 ex.s. c 62 § 36.]

RCW 43.21B.080 Chairman, biennial election of.

Applicable Cases

The hearings board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect such a chairman.

[1970 ex.s. c 62 § 38.]

RCW 43.21B.090 Principal office--Quorum--Hearings--Board powers and duties.

Applicable Cases

The principal office of the hearings board shall be at the state capitol, but it may sit or hold hearings at any other place in the state. A majority of the hearings board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position of the hearings board be vacant. One or more members may hold hearings and take testimony to be reported for action by the hearings board when authorized by rule or order of the hearings board. The hearings board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

[1990 c 65 § 2; 1974 ex.s. c 69 § 1; 1970 ex.s. c 62 § 39.]

RCW 43.21B.100 Board to make findings of fact and written decisions on each case considered--Effective upon signing and filing--Public information.

Applicable Cases

The hearings board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decisions shall be effective upon being signed by two or more members of the hearings board and upon being filed at the hearings board's principal office, and shall be open for public inspection at all reasonable times.

[1970 ex.s. c 62 § 40.]

RCW 43.21B.110 Pollution control hearings board jurisdiction.

Applicable Cases

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) The issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings by the department relating to general adjudications of water rights pursuant to chapter 90.03 or 90.44 RCW.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[1998 c 262 § 18; 1998 c 156 § 8; 1998 c 36 § 22; 1993 c 387 § 22. Prior: 1992 c 174 § 13; 1992 c 73 § 1; 1989 c 175 § 102; 1987 c 109 § 10; 1970 ex.s. c 62 § 41.]

Notes:

Reviser's note: This section was amended by 1998 c 36 § 22, 1998 c 156 § 8, and by 1998 c 262 § 18, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 262: See RCW 90.64.900.

Intent--1998 c 36: See RCW 15.54.265.

Short title--1998 c 36: See note following RCW 15.54.265.

Effective date--1993 c 387: See RCW 18.104.930.

Effective dates--Severability--1992 c 73: See RCW 82.23B.902 and 90.56.905.

Effective date--1989 c 175: See note following RCW 34.05.010.

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

Order for compliance with oil spill contingency or prevention plan not subject to review by pollution control hearings board: RCW 90.56.270.

RCW 43.21B.130 Administrative procedure act to apply to appeal of board rules and regulations--Scope of board action on decisions and orders of others.

Applicable Cases

The administrative procedure act, chapter 34.05 RCW, shall apply to the appeal of rules and regulations adopted by the board to the same extent as it applied to the review of rules and regulations adopted by the directors and/or boards or commissions of the various departments whose powers, duties and functions were transferred by section 6, chapter 62, Laws of 1970 ex. sess. to the department. All other decisions and orders of the director and all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW shall be

subject to review by the hearings board as provided in this chapter.

[1990 c 65 § 3; 1970 ex.s. c 62 § 43.]

RCW 43.21B.160 Appeals--Generally.

Applicable Cases

In all appeals, the hearings board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions as are granted to agencies in chapter 34.05 RCW, the Administrative Procedure Act. The hearings board, and each member thereof, shall be subject to all duties imposed upon, and shall have all powers granted to, an agency by those provisions of chapter 34.05 RCW relating to adjudicative proceedings. In the case of appeals within the jurisdiction of the hearings board, the hearings board, or any member thereof, may obtain such assistance, including the making of field investigations, from the staff of the director as the hearings board, or any member thereof, may deem necessary or appropriate. Any communication, oral or written, from the staff of the director to the hearings board shall be presented only in an open hearing.

[1995 c 382 § 2; 1990 c 65 § 5; 1989 c 175 § 103; 1974 ex.s. c 69 § 3; 1970 ex.s. c 62 § 46.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.21B.170 Proceedings conducted in accordance with published board rules and regulations.

Applicable Cases

All proceedings before the hearings board or any of its members shall be conducted in accordance with such rules of practice and procedure as the hearings board may prescribe. The hearings board shall publish such rules and arrange for the reasonable distribution thereof.

[1995 c 382 § 3; 1970 ex.s. c 62 § 47.]

RCW 43.21B.180 Judicial review--Director's right of review of decisions pursuant to RCW 43.21B.110.

Applicable Cases

Judicial review of a decision of the hearings board may be obtained only pursuant to RCW 34.05.510 through 34.05.598. The director shall have the same right of review from a decision made pursuant to RCW 43.21B.110 as does any person.

[1994 c 253 § 6; 1989 c 175 § 104; 1970 ex.s. c 62 § 48.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.21B.190 Judicial review--Appeal from board's order.

Applicable Cases

Within thirty days after the final decision and order of the hearings board upon such an

appeal has been communicated to the interested parties, such interested party aggrieved by the decision and order of the hearings board may appeal to the superior court.

[1995 c 382 § 4; 1994 c 253 § 7; 1988 c 202 § 43; 1970 ex.s. c 62 § 49.]

Notes:

Severability--1988 c 202: See note following RCW 2.24.050.

RCW 43.21B.230 Appeals of agency actions.

Applicable Cases

Any person having received notice of a denial of a petition, a notice of determination, notice of or an order made by the department may appeal to the hearings board, within thirty days from the date the notice of such denial, order, or determination is posted in the United States mail, properly addressed, postage prepaid, to the appealing party. The appeal shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with proof of service with the clerk of the hearings board.

[1997 c 125 § 2; 1994 c 253 § 8; 1990 c 65 § 6; 1970 ex.s. c 62 § 53.]

RCW 43.21B.240 Department--Air authorities--Adjudicative proceedings, may not conduct.

Applicable Cases

The department and air authorities shall not have authority to hold adjudicative proceedings pursuant to the Administrative Procedure Act, chapter 34.05 RCW. Such hearings shall be held by the pollution control hearings board.

[1989 c 175 § 105; 1987 c 109 § 9; 1970 ex.s. c 62 § 54.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21B.250 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.120--Procedure--Finality.

Applicable Cases

(1) All challenges in regard to the consistency of the rules adopted pursuant to RCW 43.21C.120 and with the rules and guidelines adopted pursuant to RCW 43.21C.110 shall be initiated by filing a petition for review with the pollution control hearings board in accordance with rules of practice and procedures promulgated by the hearings board.

(2) All challenges to the hearings board provided under this section shall be decided on the basis of conformance of rules, with the applicable rules and guidelines adopted pursuant to RCW 43.21C.110. The board may in its discretion require briefs, testimony, and oral arguments.

(3) The decisions of the hearings board authorized under this section shall be final.

[1974 ex.s. c 179 § 9.]

Notes:

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

Severability--1974 ex.s. c 179: See RCW 43.21C.910.

RCW 43.21B.260 Regulations and amendments of activated air pollution control authorities--Filing with hearings board authorized--Evidence.

Applicable Cases

Activated air pollution control authorities, established under chapter 70.94 RCW, may file certified copies of their regulations and amendments thereto with the pollution control hearings board of the state of Washington, and the hearings board shall take judicial note of the copies so filed and the said regulations and amendments shall be received and admitted, by reference, in all hearings before the board, as prima facie evidence that such regulations and amendments on file are in full force and effect.

[1974 ex.s. c 69 § 5.]

RCW 43.21B.300 Penalty procedures.

Applicable Cases

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330 shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department, the administrator of the *office of marine safety, or the local air authority, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department, the administrator, or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department, the administrator, or authority may remit or mitigate the penalty upon whatever terms the department, the administrator, or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department, the administrator, or authority thirty days after receipt by the person penalized of the notice imposing the penalty or thirty days after receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is

appealed.

(4) If the amount of any penalty is not paid to the department or the administrator within thirty days after it becomes due and payable, the attorney general, upon request of the department or the administrator, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account, created by RCW 70.105.180, and RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390.

[1993 c 387 § 23; 1992 c 73 § 2; 1987 c 109 § 5.]

Notes:

***Reviser's note:** The office of marine safety was transferred to the department of ecology and renamed the integrated oil spill prevention and response program by 1995 2nd sp.s. c 14 § 515, effective January 1, 1996, until June 30, 1997.

Effective date--1993 c 387: See RCW 18.104.930.

Effective dates--Severability--1992 c 73: See RCW 82.23B.902 and 90.56.905.

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21B.305 Appeals involving penalties of five thousand dollars or less.

Applicable Cases

In an appeal that involves a penalty of five thousand dollars or less, the appeal may be heard by one member of the board, whose decision shall be the final decision of the board. The board shall define by rule alternative procedures to expedite small appeals. These alternatives may include: Mediation, upon agreement of all parties; submission of testimony by affidavit; or other forms that may lead to less formal and faster resolution of appeals.

[1994 c 253 § 5.]

RCW 43.21B.310 Appeal of orders, permits, and licenses.

Applicable Cases

(1) Any order issued by the department, the administrator of the *office of marine safety, or authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty

days after receipt of the order. Except as provided under chapter 70.105D RCW, this is the exclusive means of appeal of such an order.

(2) The department, the administrator, or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department or the administrator, the attorney general, on request of the department or the administrator, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of receipt.

[1992 c 73 § 3; 1989 c 2 § 14 (Initiative Measure No. 97, approved November 8, 1988); (1987 3rd ex.s. c 2 § 49 repealed by 1989 c 2 § 24, effective March 1, 1989); 1987 c 109 § 6.]

Notes:

***Reviser's note:** The office of marine safety was transferred to the department of ecology and renamed the integrated oil spill prevention and response program by 1995 2nd sp.s. c 14 § 515, effective January 1, 1996, until June 30, 1997.

Effective dates--Severability--1992 c 73: See RCW 82.23B.902 and 90.56.905.

Short title--Construction--Existing agreements--Effective date--Severability--1989 c 2: See RCW 70.105D.900 and 70.105D.910 through 70.105D.921, respectively.

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21B.320 Stays of orders.

Applicable Cases

(1) A person appealing to the hearings board an order of the department or an authority, not stayed by the issuing agency, may obtain a stay of the effectiveness of that order only as set

forth in this section.

(2) An appealing party may request a stay by including such a request in the appeal document, in a subsequent motion, or by such other means as the rules of the hearings board shall prescribe. The request must be accompanied by a statement of grounds for the stay and evidence setting forth the factual basis upon which request is based. The hearings board shall hear the request for a stay as soon as possible. The hearing on the request for stay may be consolidated with the hearing on the merits.

(3) The applicant may make a prima facie case for stay if the applicant demonstrates either a likelihood of success on the merits of the appeal or irreparable harm. Upon such a showing, the hearings board shall grant the stay unless the department or authority demonstrates either (a) a substantial probability of success on the merits or (b) likelihood of success on the merits and an overriding public interest which justifies denial of the stay.

(4) Unless otherwise stipulated by the parties, the hearings board, after granting or denying an application for a stay, shall expedite the hearing and decision on the merits.

(5) Any party or other person aggrieved by the grant or denial of a stay by the hearings board may petition the superior court for Thurston county for review of that decision pursuant to chapter 34.05 RCW pending the appeal on the merits before the board. The superior court shall expedite its review of the decision of the hearings board.

[1987 c 109 § 7.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21B.330 Summary procedures.

Applicable Cases

The hearings board shall develop procedures for summary procedures, consistent with the rules of civil procedure for superior court on summary judgment, to decide cases before it. Such procedures may include provisions for determinations without an oral hearing or hearing by telephonic means.

[1987 c 109 § 8.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.21B.900 Savings--Other powers and duties not affected--Permits, standards not affected--Severability--Effective date--1970 ex.s. c 62.

Applicable Cases

See notes following RCW 43.21A.010.

Chapter 43.21C RCW

STATE ENVIRONMENTAL POLICY

RCW

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- 43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW--Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).
- 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160--Procedure--Finality.
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43.21C.900	Short title.
43.21C.910	Severability--1974 ex.s. c 179.
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43.21C.912	Applicability--1983 c 117.
43.21C.913	Severability--1983 c 117.
43.21C.914	Effective dates--1983 c 117.

Notes:

Economic policy: Chapter 43.21H RCW.

RCW 43.21C.010 Purposes.

Applicable Cases

The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation.

[1971 ex.s. c 109 § 1.]

RCW 43.21C.020 Legislative recognitions--Declaration--Responsibility.

Applicable Cases

(1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) to create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans,

functions, programs, and resources to the end that the state and its citizens may:

- (a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (d) Preserve important historic, cultural, and natural aspects of our national heritage;
- (e) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
- (f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
- (g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

[1971 ex.s. c 109 § 2.]

RCW 43.21C.030 Guidelines for state agencies, local governments--Statements--Reports--Advice--Information.

Applicable Cases

The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

- (a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;
- (b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;
- (c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:
 - (i) the environmental impact of the proposed action;
 - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
 - (iii) alternatives to the proposed action;
 - (iv) the relationship between local short-term uses of man's environment and the

maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the world-wide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects.

[1971 ex.s. c 109 § 3.]

RCW 43.21C.031 Significant impacts.

Applicable Cases

(1) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW

43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

[1995 c 347 § 203; 1983 c 117 § 1.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.21C.033 Threshold determination to be made within ninety days after application is complete.

Applicable Cases

(1) Except as provided in subsection (2) of this section, the responsible official shall make a threshold determination on a completed application within ninety days after the application and supporting documentation are complete. The applicant may request an additional thirty days for the threshold determination. The governmental entity responsible for making the threshold determination shall by rule, resolution, or ordinance adopt standards, consistent with rules adopted by the department to implement this chapter, for determining when an application and supporting documentation are complete.

(2) This section shall not apply to a city, town, or county that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with the requirements of this chapter; or

(b) Is planning under RCW 36.70A.040 and is subject to the requirements of RCW 36.70B.090.

[1995 c 347 § 422; 1992 c 208 § 1.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

Effective date--1992 c 208 § 1: "Section 1 of this act shall take effect September 1, 1992." [1992 c 208 § 2.]

RCW 43.21C.034 Use of existing documents.

Applicable Cases

Lead agencies are authorized to use in whole or in part existing environmental documents for new project or nonproject actions, if the documents adequately address environmental considerations set forth in RCW 43.21C.030. The prior proposal or action and the new proposal or action need not be identical, but must have similar elements that provide a basis for comparing their environmental consequences such as timing, types of impacts, alternatives, or geography. The lead agency shall independently review the content of the existing documents and determine that the information and analysis to be used is relevant and adequate. If necessary, the lead agency may require additional documentation to ensure that all environmental impacts have been adequately addressed.

[1993 c 23 § 1.]

RCW 43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c).

Applicable Cases

Decisions pertaining to applications for appropriation of fifty cubic feet of water per second or less for irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government pursuant to RCW 90.03.250 through 90.03.340, as now or hereafter amended, to be used for agricultural irrigation shall not be subject to the requirements of RCW 43.21C.030(2)(c), as now or hereafter amended.

[1974 ex.s. c 150 § 1.]

RCW 43.21C.036 Hazardous substance remedial actions--Procedural requirements and documents to be integrated.

Applicable Cases

In conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or if conducted by the department of ecology, the department of ecology to the maximum extent practicable shall integrate the procedural requirements and documents of this chapter with the procedures and documents under chapter 70.105D RCW. Such integration shall at a minimum include the public participation procedures of chapter 70.105D RCW and the public notice and review requirements of this chapter.

[1994 c 257 § 21.]

Notes:

Severability--1994 c 257: See note following RCW 36.70A.270.

RCW 43.21C.037 Application of RCW 43.21C.030(2)(c) to forest practices.

Applicable Cases

(1) Decisions pertaining to applications for Class I, II, and III forest practices, as defined by rule of the forest practices board under RCW 76.09.050, are not subject to the requirements of RCW 43.21C.030(2)(c) as now or hereafter amended.

(2) When the applicable county, city, or town requires a license in connection with any proposal involving forest practices (a) on lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, or (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, then the local government, rather than the department of natural resources, is responsible for any detailed statement required under RCW 43.21C.030(2)(c).

(3) Those forest practices determined by rule of the forest practices board to have a potential for a substantial impact on the environment, and thus to be Class IV practices, require an evaluation by the department of natural resources as to whether or not a detailed statement must be prepared pursuant to this chapter. The evaluation shall be made within ten days from the date the department receives the application. A Class IV forest practice application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. This section shall not be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action regarding a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted.

[1997 c 173 § 6; 1983 c 117 § 2; 1981 c 290 § 1.]

RCW 43.21C.038 Application of RCW 43.21C.030(2)(c) to school closures.

Applicable Cases

Nothing in RCW 43.21C.030(2)(c) shall be construed to require the preparation of an environmental impact statement or the making of a threshold determination for any decision or any action commenced subsequent to September 1, 1982, pertaining to a plan, program, or decision for the closure of a school or schools or for the school closure portion of any broader policy, plan or program by a school district board of directors.

[1983 c 109 § 1.]

RCW 43.21C.0381 Application of RCW 43.21C.030(2)(c) to decisions pertaining to air operating permits.

Applicable Cases

Decisions pertaining to the issuance, renewal, reopening, or revision of an air operating permit under RCW 70.94.161 are not subject to the requirements of RCW 43.21C.030(2)(c).

[1995 c 172 § 1.]

RCW 43.21C.0382 Application of RCW 43.21C.030(2)(c) to watershed restoration projects--Fish habitat enhancement projects.

Applicable Cases

Decisions pertaining to watershed restoration projects as defined in RCW 89.08.460 are not subject to the requirements of RCW 43.21C.030(2)(c). Decisions pertaining to fish habitat enhancement projects meeting the criteria of RCW 75.20.350(1) and being reviewed and approved according to the provisions of RCW 75.20.350 are not subject to the requirements of RCW 43.21C.030(2)(c).

[1998 c 249 § 12; 1995 c 378 § 12.]

Notes:

Findings--Purpose--Report--Effective date--1998 c 249: See notes following RCW 75.20.350.

RCW 43.21C.0383 Application of RCW 43.21C.030(2)(c) to waste discharge permits.

Applicable Cases

The issuance, reissuance, or modification of a waste discharge permit that contains conditions no less stringent than federal effluent limitations and state rules is not subject to the requirements of RCW 43.21C.030(2)(c). This exemption applies to existing discharges only and does not apply to new source discharges.

[1996 c 322 § 1.]

RCW 43.21C.0384 Application of RCW 43.21C.030(2)(c) to personal wireless services facilities.

Applicable Cases

(1) Decisions pertaining to applications to site personal wireless service facilities are not subject to the requirements of RCW 43.21C.030(2)(c), if those facilities meet the following requirements:

(a)(i) The facility to be sited is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school; or (ii) the facility includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or a school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agricultural zone; or (iii) the siting project involves constructing a personal wireless service tower less than sixty feet in height that is

located in a commercial, industrial, manufacturing, forest, or agricultural zone; and

(b) The project is not in a designated environmentally sensitive area; and

(c) The project does not consist of a series of actions: (i) Some of which are not categorically exempt; or (ii) that together may have a probable significant adverse environmental impact.

(2) The department of ecology shall adopt rules to create a categorical exemption for microcells and other personal wireless service facilities that meet the conditions set forth in subsection (1) of this section.

(3) For the purposes of this section:

(a) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(b) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(c) "Microcell" means a wireless communication facility consisting of an antenna that is either: (i) Four feet in height and with an area of not more than five hundred eighty square inches; or (ii) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

[1996 c 323 § 2.]

Notes:

Findings--1996 c 323: See note following RCW 43.70.600.

RCW 43.21C.039 Metals mining and milling operations--Environmental impact statements required.

Applicable Cases

Notwithstanding any provision in RCW 43.21C.030 and 43.21C.031 to the contrary, an environmental impact statement shall be prepared for any proposed metals mining and milling operation as required by RCW 78.56.050.

[1994 c 232 § 25.]

Notes:

Severability--1994 c 232: See RCW 78.56.900.

Effective date--1994 c 232 §§ 1-5, 9-17, and 23-31: See RCW 78.56.901.

Disclosures required with SEPA checklist, metals mining and milling operations: RCW 78.56.040.

RCW 43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities--Report of deficiencies and corrective measures.

Applicable Cases

All branches of government of this state, including state agencies, municipal and public corporations, and counties shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and

provisions of this chapter and shall propose to the governor not later than January 1, 1972, such measures as may be necessary to bring their authority and policies in conformity with the intent, purposes, and procedures set forth in this chapter.

[1971 ex.s. c 109 § 4.]

RCW 43.21C.050 Specific statutory obligations not affected.

Applicable Cases

Nothing in RCW 43.21C.030 or 43.21C.040 shall in any way affect the specific statutory obligations of any agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other public agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other public agency.

[1971 ex.s. c 109 § 5.]

RCW 43.21C.060 Chapter supplementary--Conditioning or denial of governmental action.

Applicable Cases

The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties. Any governmental action may be conditioned or denied pursuant to this chapter: PROVIDED, That such conditions or denials shall be based upon policies identified by the appropriate governmental authority and incorporated into regulations, plans, or codes which are formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of authority pursuant to this chapter. Such designation shall occur at the time specified by RCW 43.21C.120. Such action may be conditioned only to mitigate specific adverse environmental impacts which are identified in the environmental documents prepared under this chapter. These conditions shall be stated in writing by the decisionmaker. Mitigation measures shall be reasonable and capable of being accomplished. In order to deny a proposal under this chapter, an agency must find that: (1) The proposal would result in significant adverse impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and (2) reasonable mitigation measures are insufficient to mitigate the identified impact. Except for permits and variances issued pursuant to chapter 90.58 RCW, when such a governmental action, not requiring a legislative decision, is conditioned or denied by a nonelected official of a local governmental agency, the decision shall be appealable to the legislative authority of the acting local governmental agency unless that legislative authority formally eliminates such appeals. Such appeals shall be in accordance with procedures established for such appeals by the legislative authority of the acting local governmental agency.

[1983 c 117 § 3; 1977 ex.s. c 278 § 2; 1971 ex.s. c 109 § 6.]

RCW 43.21C.065 Impact fees and fees for system improvements.

Applicable Cases

A person required to pay an impact fee for system improvements pursuant to RCW

82.02.050 through 82.02.090 shall not be required to pay a fee pursuant to RCW 43.21C.060 for those same system improvements.

[1992 c 219 § 1.]

RCW 43.21C.075 Appeals.

Applicable Cases

(1) Because a major purpose of this chapter is to combine environmental considerations with public decisions, any appeal brought under this chapter shall be linked to a specific governmental action. The State Environmental Policy Act provides a basis for challenging whether governmental action is in compliance with the substantive and procedural provisions of this chapter. The State Environmental Policy Act is not intended to create a cause of action unrelated to a specific governmental action.

(2) Unless otherwise provided by this section:

(a) Appeals under this chapter shall be of the governmental action together with its accompanying environmental determinations.

(b) Appeals of environmental determinations made (or lacking) under this chapter shall be commenced within the time required to appeal the governmental action which is subject to environmental review.

(3) If an agency has a procedure for appeals of agency environmental determinations made under this chapter, such procedure:

(a) Shall allow no more than one agency appeal proceeding on each procedural determination (the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement);

(b) Shall consolidate an appeal of procedural issues and of substantive determinations made under this chapter (such as a decision to require particular mitigation measures or to deny a proposal) with a hearing or appeal on the underlying governmental action by providing for a single simultaneous hearing before one hearing officer or body to consider the agency decision or recommendation on a proposal and any environmental determinations made under this chapter, with the exception of:

(i) An appeal of a determination of significance;

(ii) An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

(iii) An appeal of a procedural determination made by an agency on a nonproject action;

or

(iv) An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes;

(c) Shall provide for the preparation of a record for use in any subsequent appeal proceedings, and shall provide for any subsequent appeal proceedings to be conducted on the record, consistent with other applicable law. An adequate record consists of findings and

conclusions, testimony under oath, and taped or written transcript. An electronically recorded transcript will suffice for purposes of review under this subsection; and

(d) Shall provide that procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a person aggrieved by an agency action has the right to judicial appeal and if an agency has an administrative appeal procedure, such person shall, prior to seeking any judicial review, use such agency procedure if any such procedure is available, unless expressly provided otherwise by state statute.

(5) Some statutes and ordinances contain time periods for challenging governmental actions which are subject to review under this chapter, such as various local land use approvals (the "underlying governmental action"). RCW 43.21C.080 establishes an optional "notice of action" procedure which, if used, imposes a time period for appealing decisions under this chapter. This subsection does not modify any such time periods. In this subsection, the term "appeal" refers to a judicial appeal only.

(a) If there is a time period for appealing the underlying governmental action, appeals under this chapter shall be commenced within such time period. The agency shall give official notice stating the date and place for commencing an appeal.

(b) If there is no time period for appealing the underlying governmental action, and a notice of action under RCW 43.21C.080 is used, appeals shall be commenced within the time period specified by RCW 43.21C.080.

(6)(a) Judicial review under subsection (5) of this section of an appeal decision made by an agency under subsection (3) of this section shall be on the record, consistent with other applicable law.

(b) A taped or written transcript may be used. If a taped transcript is to be reviewed, a record shall identify the location on the taped transcript of testimony and evidence to be reviewed. Parties are encouraged to designate only those portions of the testimony necessary to present the issues raised on review, but if a party alleges that a finding of fact is not supported by evidence, the party should include in the record all evidence relevant to the disputed finding. Any other party may designate additional portions of the taped transcript relating to issues raised on review. A party may provide a written transcript of portions of the testimony at the party's own expense or apply to that court for an order requiring the party seeking review to pay for additional portions of the written transcript.

(c) Judicial review under this chapter shall without exception be of the governmental action together with its accompanying environmental determinations.

(7) Jurisdiction over the review of determinations under this chapter in an appeal before an agency or superior court shall upon consent of the parties be transferred in whole or part to the shorelines hearings board. The shorelines hearings board shall hear the matter and sign the final order expeditiously. The superior court shall certify the final order of the shorelines hearings board and the certified final order may only be appealed to an appellate court. In the case of an appeal under this chapter regarding a project or other matter that is also the subject of an appeal to the shorelines hearings board under chapter 90.58 RCW, the shorelines hearings board shall

have sole jurisdiction over both the appeal under this section and the appeal under chapter 90.58 RCW, shall consider them together, and shall issue a final order within one hundred eighty days as provided in RCW 90.58.180.

(8) For purposes of this section and RCW 43.21C.080, the words "action", "decision", and "determination" mean substantive agency action including any accompanying procedural determinations under this chapter (except where the word "action" means "appeal" in RCW 43.21C.080(2)). The word "action" in this section and RCW 43.21C.080 does not mean a procedural determination by itself made under this chapter. The word "determination" includes any environmental document required by this chapter and state or local implementing rules. The word "agency" refers to any state or local unit of government. Except as provided in subsection (5) of this section, the word "appeal" refers to administrative, legislative, or judicial appeals.

(9) The court in its discretion may award reasonable attorneys' fees of up to one thousand dollars in the aggregate to the prevailing party, including a governmental agency, on issues arising out of this chapter if the court makes specific findings that the legal position of a party is frivolous and without reasonable basis.

[1997 c 429 § 49; 1995 c 347 § 204; 1994 c 253 § 4; 1983 c 117 § 4.]

Notes:

Severability--1997 c 429: See note following RCW 36.70A.3201.

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.21C.080 Notice of action by governmental agency--How publicized--Time limitation for commencing challenge to action.

Applicable Cases

(1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in rules adopted under RCW 43.21C.110:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia prior to the date of the last newspaper publication; and

(c) Except for those actions which are of a nonproject nature, by one of the following methods which shall be accomplished prior to the date of first newspaper publication;

(i) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid.

(ii) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed.

(2)(a) Except as otherwise provided in RCW 43.21C.075(5)(a), any action to set aside, enjoin, review, or otherwise challenge any such governmental action or subsequent governmental

action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within twenty-one days from the date of last newspaper publication of the notice pursuant to subsection (1) of this section, or be barred.

(b) Any subsequent governmental action on the proposal for which notice has been given as provided in subsection (1) of this section shall not be set aside, enjoined, reviewed, or otherwise challenged on grounds of noncompliance with the provisions of RCW 43.21C.030(2)(a) through (h) unless there has been a substantial change in the proposal between the time of the first governmental action and the subsequent governmental action that is likely to have adverse environmental impacts beyond the range of impacts previously analyzed, or unless the action now being considered was identified in an earlier detailed statement or declaration of nonsignificance as being one which would require further environmental evaluation.

[1995 c 347 § 205; 1977 ex.s. c 278 § 1; 1974 ex.s. c 179 § 2; 1973 1st ex.s. c 179 § 2.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

Purpose--1974 ex.s. c 179: "The purpose of this 1974 amendatory act is to establish methods and means of providing for full implementation of chapter 43.21C RCW (the state environmental policy act of 1971) in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act." [1974 ex.s. c 179 § 1.]

Effective date--1973 1st ex.s. c 179: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1973: PROVIDED, HOWEVER, That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act." [1973 1st ex.s. c 179 § 4.]

RCW 43.21C.087 List of filings required by RCW 43.21C.080.

Applicable Cases

The department of ecology shall prepare a list of all filings required by RCW 43.21C.080 each week and shall make such list available to any interested party. The list of filings shall include a brief description of the governmental action and the project involved in such action, along with the location of where information on the project or action may be obtained. Failure of the department to include any project or action shall not affect the running of the statute of limitations provided in RCW 43.21C.080.

[1974 ex.s. c 179 § 14.]

Notes:

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.090 Decision of governmental agency to be accorded substantial weight.

Applicable Cases

In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the

decision of the governmental agency shall be accorded substantial weight.

[1973 1st ex.s. c 179 § 3.]

Notes:

Effective date--1973 1st ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.095 State environmental policy act rules to be accorded substantial deference.

Applicable Cases

The rules promulgated under RCW 43.21C.110 shall be accorded substantial deference in the interpretation of this chapter.

[1983 c 117 § 5.]

RCW 43.21C.110 Content of state environmental policy act rules.

Applicable Cases

It shall be the duty and function of the department of ecology:

(1) To adopt and amend thereafter rules of interpretation and implementation of this chapter, subject to the requirements of chapter 34.05 RCW, for the purpose of providing uniform rules and guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The proposed rules shall be subject to full public hearings requirements associated with rule promulgation. Suggestions for modifications of the proposed rules shall be considered on their merits, and the department shall have the authority and responsibility for full and appropriate independent promulgation and adoption of rules, assuring consistency with this chapter as amended and with the preservation of protections afforded by this chapter. The rule-making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter:

(a) Categories of governmental actions which are not to be considered as potential major actions significantly affecting the quality of the environment, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW. The types of actions included as categorical exemptions in the rules shall be limited to those types which are not major actions significantly affecting the quality of the environment. The rules shall provide for certain circumstances where actions which potentially are categorically exempt require environmental review. An action that is categorically exempt under the rules adopted by the department may not be conditioned or denied under this chapter.

(b) Rules for criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Rules and procedures applicable to the preparation of detailed statements and other environmental documents, including but not limited to rules for timing of environmental review, obtaining comments, data and other information, and providing for and determining areas of public participation which shall include the scope and review of draft environmental impact statements.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable; statements are required to analyze only reasonable alternatives and probable adverse environmental impacts which are significant, and may analyze beneficial impacts.

(e) Rules and procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter including the establishment of a list of elements of the environment. Analysis of environmental considerations under RCW 43.21C.030(2) may be required only for those subjects listed as elements of the environment (or portions thereof). The list of elements of the environment shall consist of the "natural" and "built" environment. The elements of the built environment shall consist of public services and utilities (such as water, sewer, schools, fire and police protection), transportation, environmental health (such as explosive materials and toxic waste), and land and shoreline use (including housing, and a description of the relationships with land use and shoreline plans and designations, including population).

(g) Rules for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare rules for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Rules for utilization of a detailed statement for more than one action and rules improving environmental analysis of nonproject proposals and encouraging better interagency coordination and integration between this chapter and other environmental laws.

(k) Rules relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(l) Rules relating to the use of environmental documents in planning and decision making and the implementation of the substantive policies and requirements of this chapter, including procedures for appeals under this chapter.

(m) Rules and procedures that provide for the integration of environmental review with project review as provided in RCW 43.21C.240. The rules and procedures shall be jointly developed with the department of community, trade, and economic development and shall be applicable to the preparation of environmental documents for actions in counties, cities, and towns planning under RCW 36.70A.040. The rules and procedures shall also include procedures and criteria to analyze planned actions under RCW 43.21C.031(2) and revisions to the rules adopted under this section to ensure that they are compatible with the requirements and authorizations of chapter 347, Laws of 1995, as amended by chapter 429, Laws of 1997. Ordinances or procedures adopted by a county, city, or town to implement the provisions of chapter 347, Laws of 1995 prior to the effective date of rules adopted under this subsection (1)(m) shall continue to be effective until the adoption of any new or revised ordinances or procedures that may be required. If any revisions are required as a result of rules adopted under

this subsection (1)(m), those revisions shall be made within the time limits specified in RCW 43.21C.120.

(2) In exercising its powers, functions, and duties under this section, the department may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of chapter 34.05 RCW.

[1997 c 429 § 47; 1995 c 347 § 206; 1983 c 117 § 7; 1974 ex.s. c 179 § 6.]

Notes:

Severability--1997 c 429: See note following RCW 36.70A.3201.

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.120 Rules, ordinances, resolutions and regulations--Adoption--Effective dates.

Applicable Cases

(1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, including any revisions, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Designation of policies [policies] under RCW 43.21C.060 and adoption of rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110, or after the establishment of an agency, whichever shall occur later.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.05 RCW and shall be subject to the review procedures of RCW *34.05.538 and 34.05.240.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, including any revisions, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Designation of policies under RCW 43.21C.060 and adoption of the rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110, or after the establishment of the governmental entity, whichever shall occur

later.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110 shall continue to be effective until the adoptions of any new or revised ordinances or regulations which may be required: PROVIDED, That revisions required by this section as a result of rule changes under RCW 43.21C.110 are made within the time limits specified by this section.

[1983 c 117 § 8; 1974 ex.s. c 179 § 8.]

Notes:

***Reviser's note:** RCW 34.05.538 was repealed by 1989 c 175 § 185, effective July 1, 1989.

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.130 Model ordinances.

Applicable Cases

The department of ecology, in consultation with concerned state agencies, shall with the assistance of the associations of county prosecutors and city attorneys, the association of county elected officials, the Washington state association of counties, and the association of cities, draft model ordinances for use by counties, cities and towns in drafting their ordinances under this chapter.

[1974 ex.s. c 179 § 10.]

Notes:

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.135 Authority of local governmental units to adopt rules, guidelines and model ordinances by reference.

Applicable Cases

(1) All public and municipal corporations, political subdivisions, and counties of the state are authorized to adopt rules, ordinances, and resolutions which incorporate any of the following by reference to the appropriate sections of the Washington Administrative Code:

(a) Rules and guidelines adopted under RCW 43.21C.110(1) in accordance with the administrative procedure act, chapter 34.05 RCW;

(b) Model ordinances adopted by the department of ecology under RCW 43.21C.130 in accordance with the administrative procedure act, chapter 34.05 RCW.

(2) If any rule, ordinance, or resolution is adopted by reference pursuant to subsection (1) of this section, any publication of such rule, ordinance, or resolution shall be accompanied by a summary of the contents of the sections of the Washington Administrative Code referred to. Such summaries shall be provided to the adopting units of local government by the department of ecology: PROVIDED, That any proposal for a rule, ordinance or resolution which would adopt by reference rules and guidelines or model ordinances pursuant to this section shall be accompanied by the full text of the material to be adopted which need not be published but shall be maintained on file for public use and examination.

(3) Whenever any rule, ordinance, or resolution is adopted by reference pursuant to

subsection (1) of this section, the corporation, political subdivision, or county of the state adopting the rule, ordinance, or resolution shall maintain on file for public use and examination not less than three copies of the sections of the Washington Administrative Code referred to.

[1975-'76 2nd ex.s. c 99 § 1.]

RCW 43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement previously prepared pursuant to national environmental policy act.

Applicable Cases

The requirements of RCW 43.21C.030(2)(c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement has been previously prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c).

[1975 1st ex.s. c 206 § 1; 1974 ex.s. c 179 § 12.]

Notes:

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement *chapter 90.62 RCW--Utilization of *chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).

Applicable Cases

In the implementation of *chapter 90.62 RCW (the Environmental Coordination Procedures Act of 1973), the department of ecology, consistent with guidelines adopted by the council shall adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participating in the processing of a master application. Whenever the procedures established pursuant to *chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030(2)(c). The time limits for challenges provided for in RCW 43.21C.080(2) shall be applicable when such procedures are so utilized.

[1974 ex.s. c 179 § 13.]

Notes:

***Reviser's note:** Chapter 90.62 RCW was repealed by 1995 c 347 § 619.

Purpose--1974 ex.s. c 179: See note following RCW 43.21C.080.

RCW 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160--Procedure--Finality.

Applicable Cases

See RCW 43.21B.250.

RCW 43.21C.170 Council on environmental policy.

Applicable Cases

The legislature may establish a council on environmental policy to review and assist in the implementation of this chapter.

[1983 c 117 § 6; 1974 ex.s. c 179 § 4. Formerly RCW 43.21C.100.]

RCW 43.21C.175 Council on environmental policy--Personnel.

Applicable Cases

The council may employ such personnel as are necessary for the performances of its duties.

[1974 ex.s. c 179 § 5. Formerly RCW 43.21C.105.]

RCW 43.21C.210 Certain actions during state of emergency exempt from chapter.

Applicable Cases

This chapter does not apply to actions authorized by RCW 43.37.215 and 43.37.220 which are undertaken during a state of emergency declared by the governor under RCW 43.06.210.

[1981 c 278 § 4.]

RCW 43.21C.220 Incorporation of city or town exempt from chapter.

Applicable Cases

The incorporation of a city or town is exempted from compliance with this chapter.

[1982 c 220 § 6.]

Notes:

Severability--1982 c 220: See note following RCW 36.93.100.
Incorporation proceedings exempt from chapter: RCW 36.93.170.

RCW 43.21C.222 Annexation by city or town exempt from chapter.

Applicable Cases

Annexation of territory by a city or town is exempted from compliance with this chapter.

[1994 c 216 § 19.]

Notes:

Effective date--1994 c 216: See note following RCW 35.02.015.

RCW 43.21C.225 Consolidation and annexation of cities and towns exempt from chapter.

Applicable Cases

Consolidations of cities or towns, and the annexations of all of a city or town by another city or town, are exempted from compliance with this chapter.

[1985 c 281 § 29.]

Notes:

Severability--1985 c 281: See RCW 35.10.905.

RCW 43.21C.230 Development and adoption of plan under chapter 43.180 RCW exempt from chapter.

Applicable Cases

This chapter does not apply to the development or adoption of the plan required to be developed and adopted under chapter 43.180 RCW.

[1983 c 161 § 29.]

Notes:

Severability--Effective dates--1983 c 161: See RCW 43.180.903 and 43.180.904.

RCW 43.21C.240 Project review under the growth management act.

Applicable Cases

(1) If the requirements of subsection (2) of this section are satisfied, a county, city, or town reviewing a project action may determine that the requirements for environmental analysis, protection, and mitigation measures in the county, city, or town's development regulations and comprehensive plans adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply.

(2) A county, city, or town may make the determination provided for in subsection (1) of this section if:

(a) In the course of project review, including any required environmental analysis, the local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, or other local, state, or federal rules or laws; and

(b) The local government bases or conditions its approval on compliance with these requirements or mitigation measures.

(3) If a county, city, or town's comprehensive plans, subarea plans, and development regulations adequately address a project's probable specific adverse environmental impacts, as determined under subsections (1) and (2) of this section, the county, city, or town shall not impose additional mitigation under this chapter during project review. Project review shall be integrated with environmental analysis under this chapter.

(4) A comprehensive plan, subarea plan, or development regulation shall be considered to adequately address an impact if the county, city, or town, through the planning and environmental review process under chapter 36.70A RCW and this chapter, has identified the specific adverse environmental impacts and:

(a) The impacts have been avoided or otherwise mitigated; or

(b) The legislative body of the county, city, or town has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by chapter 36.70A RCW.

(5) In deciding whether a specific adverse environmental impact has been addressed by an

existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the county, city, or town shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county, city, or town shall base or condition its project approval on compliance with these other existing rules or laws.

(6) Nothing in this section limits the authority of an agency in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by this chapter.

(7) This section shall apply only to a county, city, or town planning under RCW 36.70A.040.

[1995 c 347 § 202.]

Notes:

Findings--Intent--1995 c 347 § 202: "(1) The legislature finds in adopting RCW 43.21C.240 that:

(a) Comprehensive plans and development regulations adopted by counties, cities, and towns under chapter 36.70A RCW and environmental laws and rules adopted by the state and federal government have addressed a wide range of environmental subjects and impacts. These plans, regulations, rules, and laws often provide environmental analysis and mitigation measures for project actions without the need for an environmental impact statement or further project mitigation.

(b) Existing plans, regulations, rules, or laws provide environmental analysis and measures that avoid or otherwise mitigate the probable specific adverse environmental impacts of proposed projects should be integrated with, and should not be duplicated by, environmental review under chapter 43.21C RCW.

(c) Proposed projects should continue to receive environmental review, which should be conducted in a manner that is integrated with and does not duplicate other requirements. Project-level environmental review should be used to: (i) Review and document consistency with comprehensive plans and development regulations; (ii) provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level; and (iii) ensure accountability by local government to applicants and the public for requiring and implementing mitigation measures.

(d) When a project permit application is filed, an agency should analyze the proposal's environmental impacts, as required by applicable regulations and the environmental review process required by this chapter, in one project review process. The project review process should include land use, environmental, public, and governmental review, as provided by the applicable regulations and the rules adopted under this chapter, so that documents prepared under different requirements can be reviewed together by the public and other agencies. This project review will provide an agency with the information necessary to make a decision on the proposed project.

(e) Through this project review process: (i) If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this chapter will not be necessary on those impacts; (ii) if the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this chapter; and (iii) if the applicable regulations do not adequately analyze or address a proposal's specific probable adverse environmental impacts, this chapter provides the authority and procedures for additional review.

(2) The legislature intends that a primary role of environmental review under chapter 43.21C RCW is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. The review of project actions conducted by counties, cities, and towns planning under RCW 36.70A.040 should integrate environmental review with project review. Chapter 43.21C RCW should not be used as a substitute for other land use planning and environmental requirements." [1995 c 347 § 201.]

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following

RCW 36.70A.470.

RCW 43.21C.250 Forest practices board--Emergency rules--Exempt from chapter.

Applicable Cases

The duration and process for adopting emergency rules by the forest practices board pertaining to forest practices and the protection of aquatic resources as provided in RCW 76.09.055 are exempt from the procedural requirements of this chapter.

[1999 1st sp.s. c 4 § 203.]

Notes:

Effective date--1999 1st sp.s. c 4 §§ 201, 202, and 203: See note following RCW 76.09.055.

Part headings not law--1999 1st sp.s. c 4: See note following RCW 75.46.300.

RCW 43.21C.260 Certain actions not subject to RCW 43.21C.030(2)(c)--Threshold determination on a watershed analysis.

Applicable Cases

(1) Decisions pertaining to the following kinds of actions under chapter 4, Laws of 1999 1st sp. sess. are not subject to any procedural requirements implementing RCW 43.21C.030(2)(c): (a) Approval of forest road maintenance and abandonment plans under chapter 76.09 RCW and RCW 75.20.100; (b) approval by the department of natural resources of future timber harvest schedules involving east-side clear cuts under rules implementing chapter 76.09 RCW; (c) acquisitions of forest lands in stream channel migration zones under RCW 76.09.040; and (d) acquisitions of conservation easements pertaining to forest lands in riparian zones under RCW 76.13.120.

(2) For purposes of the department's threshold determination on a watershed analysis, the department shall not make a determination of significance unless the prescriptions themselves, compared to rules or prescriptions in place prior to the analysis, will cause probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process. Nothing in this subsection shall be construed to effect the outcome of pending litigation regarding the department's authority in making a threshold determination on a watershed analysis.

[1999 1st sp.s. c 4 § 1201.]

Notes:

Part headings not law--1999 1st sp.s. c 4: See note following RCW 75.46.300.

RCW 43.21C.300 Workshops--Handbook.

Applicable Cases

The department of ecology shall conduct annual state-wide workshops and publish an annual state environmental policy act handbook or supplement to assist persons in complying with the provisions of this chapter and the implementing rules. The workshops and handbook shall include, but not be limited to, measures to assist in preparation, processing, and review of environmental documents, relevant court decisions affecting this chapter or rules adopted under

this chapter, legislative changes to this chapter, administrative changes to the rules, and any other information which will assist in orderly implementation of this chapter and rules.

The department shall develop the handbook and conduct the workshops in cooperation with, but not limited to, state agencies, the association of Washington cities, the Washington association of counties, educational institutions, and other groups or associations interested in the state environmental policy act.

[1983 c 117 § 9.]

RCW 43.21C.400 Unfinished nuclear power projects--Council action exempt from this chapter.

Applicable Cases

Council actions pursuant to the transfer of the site or portions of the site under RCW 80.50.300 are exempt from the provisions of this chapter.

[1996 c 4 § 4.]

Notes:

Severability--Effective date--1996 c 4: See RCW 80.50.903 and 80.50.904.
Energy facility site evaluation council: RCW 80.50.030.

RCW 43.21C.900 Short title.

Applicable Cases

This chapter shall be known and may be cited as the "State Environmental Policy Act" or "SEPA".

[1995 c 347 § 207; 1971 ex.s. c 109 § 7.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.21C.910 Severability--1974 ex.s. c 179.

Applicable Cases

If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 179 § 16.]

RCW 43.21C.911 Section headings not part of law--1983 c 117.

Applicable Cases

Section headings as used in this act do not constitute any part of the law.

[1983 c 117 § 14.]

RCW 43.21C.912 Applicability--1983 c 117.

Applicable Cases

*Sections 3 and 4 of this act apply to agency decisions and to appeal proceedings prospectively only and not retrospectively. **Sections 1, 5, 6, 7, and 8 of this act may be applied by agencies retrospectively.

[1983 c 117 § 15.]

Notes:

Reviser's note: *(1) "Sections 3 and 4 of this act" consist of the 1983 c 117 amendment to RCW 43.21C.060 and the enactment of RCW 43.21C.075, respectively.

** (2) "Sections 1, 5, 6, 7, and 8 of this act" consist of the enactment of RCW 43.21C.031 and 43.21C.095 and the 1983 c 117 amendments to RCW 43.21C.100, 43.21C.110, and 43.21C.120, respectively.

RCW 43.21C.913 Severability--1983 c 117.

Applicable Cases

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

[1983 c 117 § 16.]

RCW 43.21C.914 Effective dates--1983 c 117.

Applicable Cases

*(1) Sections 1, 2, and 4 through 16 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

** (2) Section 3 of this act shall take effect one hundred eighty days after the remainder of this act goes into effect under subsection (1) of this section.

[1983 c 117 § 17.]

Notes:

Reviser's note: *(1) "Sections 1, 2, and 4 through 16 of this act" consist of the enactment of RCW 43.21C.031, 43.21C.075, 43.21C.095, 43.21C.300, 43.21C.911, 43.21C.912, and 43.21C.913; the 1983 c 117 amendments to RCW 43.21C.037, 43.21C.100, 43.21C.110, and 43.21C.120; the repeal of RCW 43.21C.032, 43.21C.085, and 43.21C.140; the decodification of RCW 43.21C.070, 43.21C.200, 43.21C.202, and 43.21C.204; and the recodification of RCW 43.21C.100 and 43.21C.105 as RCW 43.21C.170 and 43.21C.175, respectively. The effective date of these sections is April 23, 1983.

** (2) "Section 3 of this act" consists of the 1983 c 117 amendment to RCW 43.21C.060. The effective date of this section is October 20, 1983.

**Chapter 43.21E RCW
GRASS BURNING RESEARCH ADVISORY COMMITTEE**

43.21E.010	Committee created--Members.
43.21E.020	Duties of committee.
43.21E.030	Travel expenses.
43.21E.900	Termination and dissolution of committee.
43.21E.905	Reactivation of committee--Application of chapter.
43.21E.910	Severability--1975 1st ex.s. c 44.

Notes:

Grass burning permits, etc.: RCW 70.94.650 through 70.94.656.

RCW 43.21E.010 Committee created--Members.

Applicable Cases

Within thirty days of May 15, 1975 the director of the Washington state department of ecology shall appoint a grass burning research advisory committee consisting of five voting members.

Two members shall be grass growers selected from the area of the state east of the Cascade mountain range, one representing irrigated and one representing dryland growing areas. One member shall be a grass grower selected from the area of the state west of the Cascade mountain range. One member shall be a representative of the Washington state department of agriculture, and one member shall represent the public, and may be selected at large. The committee shall select its own chairman. The state department of ecology shall provide an ex officio, nonvoting member to the committee to act as secretary.

[1975 1st ex.s. c 44 § 1.]

RCW 43.21E.020 Duties of committee.

Applicable Cases

The grass burning research advisory committee as provided for in RCW 43.21E.010 shall solicit and review research proposals for reducing or to develop alternates to open burning of grass fields. The committee shall advise and make recommendations to the director of the Washington state department of ecology regarding research priorities and the expenditure of mandatory research permit fees and such other grass burning research funds that may be provided by the legislature or from any other sources.

[1975 1st ex.s. c 44 § 2.]

RCW 43.21E.030 Travel expenses.

Applicable Cases

Travel expenses shall be paid to the grass burning research advisory committee members not otherwise employed by the state for meetings called by the director of the department of ecology in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended upon vouchers approved by said director and paid from funds budgeted for operation purposes of the state department of ecology.

[1975-'76 2nd ex.s. c 34 § 102; 1975 1st ex.s. c 44 § 3.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.21E.900 Termination and dissolution of committee.

Applicable Cases

It is the intent and purpose of this chapter that as soon as an alternative means of grass burning is developed for the state, or by January 1, 1980, whichever is sooner the grass burning research advisory committee shall be dissolved and its actions terminated, and the director of the state department of ecology shall see that such purpose is so carried out.

[1975 1st ex.s. c 44 § 4.]

RCW 43.21E.905 Reactivation of committee--Application of chapter.

Applicable Cases

Notwithstanding RCW 43.21E.900, within thirty days or after June 30, 1982, the director shall reactivate the grass burning research advisory committee by appointing new members to the committee. The provisions of this chapter, other than RCW 43.21E.900, shall apply to the reactivated committee.

[1982 c 163 § 15.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

RCW 43.21E.910 Severability--1975 1st ex.s. c 44.

Applicable Cases

If any provision of this 1975 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 44 § 6.]

**Chapter 43.21F RCW
STATE ENERGY OFFICE**

RCW

- 43.21F.010 Legislative finding and declaration.
- 43.21F.015 State policy.
- 43.21F.025 Definitions.
- 43.21F.045 Duties of department--Transfer of powers and duties relating to energy education, applied research, technology transfer, and energy efficiency in public buildings.
- 43.21F.055 Intervention in certain regulatory proceedings prohibited--Application to energy facility site evaluation council--Avoidance of duplication of activity.
- 43.21F.060 Additional duties and authority of department--Obtaining information--Confidentiality, penalty--Receiving and expending funds.

43.21F.090	State energy strategy--Review and report to legislature.
43.21F.400	Western interstate nuclear compact--Entered into--Terms.
43.21F.405	Western interstate nuclear compact--State board member--Appointment, term--May designate representative.
43.21F.410	Western interstate nuclear compact--State and local agencies and officers to cooperate.
43.21F.415	Western interstate nuclear compact--Bylaws, amendments to, filed with secretary of state.
43.21F.420	Western interstate nuclear compact--Application of state laws, benefits, when persons dispatched to another state.

RCW 43.21F.010 Legislative finding and declaration.

Applicable Cases

The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality.

[1975-'76 2nd ex.s. c 108 § 1.]

Notes:

Severability--1975-'76 2nd ex.s. c 108: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 108 § 45.]

Effective date--1975-'76 2nd ex.s. c 108: "This 1976 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 15, 1976." [1975-'76 2nd ex.s. c 108 § 46.]

RCW 43.21F.015 State policy.

Applicable Cases

It is the policy of the state of Washington that:

- (1) The development and use of a diverse array of energy resources with emphasis on renewable energy resources shall be encouraged;
- (2) The supply of energy shall be sufficient to insure the health and economic welfare of its citizens;
- (3) The development and use of energy resources shall be consistent with the statutory environmental policies of the state;
- (4) Energy conservation and elimination of wasteful and uneconomic uses of energy and materials shall be encouraged, and this conservation should include, but is not limited to, resource recovery and materials recycling;
- (5) In energy emergency shortage situations, energy requirements to maintain the public health, safety, and welfare shall be given priority in the allocation of energy resources, and citizens and industry shall be assisted in adjusting to the limited availability of energy in order to minimize adverse impacts on their physical, social, and economic well being;
- (6) State government shall provide a source of impartial and objective information in order that this energy policy may be enhanced; and

(7) The state energy strategy shall provide primary guidance for implementation of the state's energy policy.

[1994 c 207 § 3; 1981 c 295 § 1.]

Notes:

Finding--1994 c 207: See note following RCW 43.21F.025.

RCW 43.21F.025 Definitions.

Applicable Cases

(1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the department of community, trade, and economic development;

(4) "Assistant director" means the assistant director of the department of community, trade, and economic development responsible for energy policy activities;

(5) "Department" means the department of community, trade, and economic development;

(6) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(7) "State energy strategy" means the document and energy policy direction developed under section 1, chapter 201, Laws of 1991 including any related appendices.

[1996 c 186 § 102; 1994 c 207 § 2; 1987 c 330 § 501; 1981 c 295 § 2.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Finding--1994 c 207: "The legislature finds that the state energy strategy presented to the legislature in 1993 was developed by a dedicated and talented committee of hard-working representatives of the industries and people of this state and that the strategy document should serve to guide energy-related policy decisions by the legislature and other entities within this region." [1994 c 207 § 1.]

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 43.21F.045 Duties of department--Transfer of powers and duties relating to energy

education, applied research, technology transfer, and energy efficiency in public buildings.

Applicable Cases

(1) The department shall supervise and administer energy-related activities as specified in RCW 43.330.904 and shall advise the governor and the legislature with respect to energy matters affecting the state.

(2) In addition to other powers and duties granted to the department, the department shall have the following powers and duties:

(a) Prepare and update contingency plans for implementation in the event of energy shortages or emergencies. The plans shall conform to chapter 43.21G RCW and shall include procedures for determining when these shortages or emergencies exist, the state officers and agencies to participate in the determination, and actions to be taken by various agencies and officers of state government in order to reduce hardship and maintain the general welfare during these emergencies. The department shall coordinate the activities undertaken pursuant to this subsection with other persons. The components of plans that require legislation for their implementation shall be presented to the legislature in the form of proposed legislation at the earliest practicable date. The department shall report to the governor and the legislature on probable, imminent, and existing energy shortages, and shall administer energy allocation and curtailment programs in accordance with chapter 43.21G RCW.

(b) Establish and maintain a central repository in state government for collection of existing data on energy resources, including:

- (i) Supply, demand, costs, utilization technology, projections, and forecasts;
- (ii) Comparative costs of alternative energy sources, uses, and applications; and
- (iii) Inventory data on energy research projects in the state conducted under public and/or private auspices, and the results thereof.

(c) Coordinate federal energy programs appropriate for state-level implementation, carry out such energy programs as are assigned to it by the governor or the legislature, and monitor federally funded local energy programs as required by federal or state regulations.

(d) Develop energy policy recommendations for consideration by the governor and the legislature.

(e) Provide assistance, space, and other support as may be necessary for the activities of the state's two representatives to the Pacific northwest electric power and conservation planning council. To the extent consistent with federal law, the director shall request that Washington's council members request the administrator of the Bonneville power administration to reimburse the state for the expenses associated with the support as provided in the Pacific Northwest Electric Power Planning and Conservation Act (P.L. 96-501).

(f) Cooperate with state agencies, other governmental units, and private interests in the prioritization and implementation of the state energy strategy elements and on other energy matters.

(g) Serve as the official state agency responsible for coordinating implementation of the state energy strategy.

(h) No later than December 1, 1982, and by December 1st of each even-numbered year

thereafter, prepare and transmit to the governor and the appropriate committees of the legislature a report on the implementation of the state energy strategy and other important energy issues, as appropriate.

(i) Provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(j) Provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(k) Adopt rules, under chapter 34.05 RCW, necessary to carry out the powers and duties enumerated in this chapter.

(l) Provide administrative assistance, space, and other support as may be necessary for the activities of the energy facility site evaluation council, as provided for in RCW 80.50.030.

(m) Appoint staff as may be needed to administer energy policy functions and manage energy facility site evaluation council activities. These employees are exempt from the provisions of chapter 41.06 RCW.

(3) To the extent the powers and duties set out under this section relate to energy education, applied research, and technology transfer programs they are transferred to Washington State University.

(4) To the extent the powers and duties set out under this section relate to energy efficiency in public buildings they are transferred to the department of general administration.

[1996 c 186 § 103; 1994 c 207 § 4; 1990 c 12 § 2; 1987 c 505 § 29; 1981 c 295 § 4.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Finding--1994 c 207: See note following RCW 43.21F.025.

Effective date--1990 c 12: See note following RCW 80.50.030.

RCW 43.21F.055 Intervention in certain regulatory proceedings prohibited--Application to energy facility site evaluation council--Avoidance of duplication of activity.

Applicable Cases

The department shall not intervene in any regulatory proceeding before the Washington utilities and transportation commission or proceedings of utilities not regulated by the commission. Nothing in this chapter abrogates or diminishes the functions, powers, or duties of the energy facility site evaluation council pursuant to chapter 80.50 RCW, the utilities and transportation commission pursuant to Title 80 RCW, or other state or local agencies established by law.

The department shall avoid duplication of activity with other state agencies and officers and other persons.

[1996 c 186 § 104; 1981 c 295 § 5.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.21F.060 Additional duties and authority of department--Obtaining information--Confidentiality, penalty--Receiving and expending funds.

Applicable Cases

In addition to the duties prescribed in RCW 43.21F.045, the department shall have the authority to:

(1) Obtain all necessary and existing information from energy producers, suppliers, and consumers, doing business within the state of Washington, from political subdivisions in this state, or any person as may be necessary to carry out the provisions of chapter 43.21G RCW: PROVIDED, That if the information is available in reports made to another state agency, the department shall obtain it from that agency: PROVIDED FURTHER, That, to the maximum extent practicable, informational requests to energy companies regulated by the utilities and transportation commission shall be channeled through the commission and shall be accepted in the format normally used by the companies. Such information may include but not be limited to:

- (a) Sales volume;
- (b) Forecasts of energy requirements; and
- (c) Energy costs.

Notwithstanding any other provision of law to the contrary, information furnished under this subsection shall be confidential and maintained as such, if so requested by the person providing the information, if the information is proprietary.

It shall be unlawful to disclose such information except as hereinafter provided. A violation shall be punishable, upon conviction, by a fine of not more than one thousand dollars for each offense. In addition, any person who wilfully or with criminal negligence, as defined in RCW 9A.08.010, discloses confidential information in violation of this subsection may be subject to removal from office or immediate dismissal from public employment notwithstanding any other provision of law to the contrary.

Nothing in this subsection prohibits the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information.

(2) Receive and expend funds obtained from the federal government or other sources by means of contracts, grants, awards, payments for services, and other devices in support of the duties enumerated in this chapter.

[1996 c 186 § 105; 1981 c 295 § 6; 1975-'76 2nd ex.s. c 108 § 6.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.21F.090 State energy strategy--Review and report to legislature.

Applicable Cases

The department shall review the state energy strategy as developed under section 1, chapter 201, Laws of 1991, periodically with the guidance of an advisory committee. For each

review, an advisory committee shall be established with a membership resembling as closely as possible the original energy strategy advisory committee specified under section 1, chapter 201, Laws of 1991. Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, a written report shall be conveyed by the department to the governor and the appropriate legislative committees. Any advisory committee established under this section shall be dissolved within three months after their written report is conveyed.

[1996 c 186 § 106; 1994 c 207 § 5.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Finding--1994 c 207: See note following RCW 43.21F.025.

RCW 43.21F.400 Western interstate nuclear compact--Entered into--Terms.

Applicable Cases

The western interstate nuclear compact is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and any other states joining therein in accordance with the terms of the compact, which compact is substantially as follows:

ARTICLE I. POLICY AND PURPOSE

The party states recognize that the proper employment of scientific and technological discoveries and advances in nuclear and related fields and direct and collateral application and adaptation of processes and techniques developed in connection therewith, properly correlated with the other resources of the region, can assist substantially in the industrial progress of the West and the further development of the economy of the region. They also recognize that optimum benefit from nuclear and related scientific or technological resources, facilities and skills requires systematic encouragement, guidance, assistance, and promotion from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis. It is the purpose of this compact to provide the instruments and framework for such a cooperative effort in nuclear and related fields, to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

ARTICLE II. THE BOARD

(a) There is hereby created an agency of the party states to be known as the "Western Interstate Nuclear Board" (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his

functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provisions therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

(c) The Board shall have a seal.

(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint and fix the compensation of an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, and such other personnel as the Board may direct, shall be bonded in such amounts as the Board may require.

(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, or its institutions or subdivisions, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same. The nature, amount and conditions, if any, attendant upon any donation or grant accepted pursuant to this paragraph or upon any borrowing pursuant to paragraph (g) of this Article, together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Board.

(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof,

and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

ARTICLE III. FINANCES

(a) The Board shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. Each of the Board's requests for appropriations pursuant to a budget of estimated expenditures shall be apportioned equally among the party states. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II(h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) Any expenses and any other costs for each member of the Board in attending Board meetings shall be met by the Board.

(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become a part of the annual report of the Board.

(f) The accounts of the Board shall be open at any reasonable time for inspection to persons authorized by the Board, and duly designated representatives of governments contributing to the Board's support.

ARTICLE IV. ADVISORY COMMITTEES

The Board may establish such advisory and technical committees as it may deem necessary, membership on which may include but not be limited to private citizens, expert and

lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State and Federal Government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

ARTICLE V. POWERS

The Board shall have power to--

(a) Encourage and promote cooperation among the party states in the development and utilization of nuclear and related technologies and their application to industry and other fields.

(b) Ascertain and analyze on a continuing basis the position of the West with respect to the employment in industry of nuclear and related scientific findings and technologies.

(c) Encourage the development and use of scientific advances and discoveries in nuclear facilities, energy, materials, products, by-products, and all other appropriate adaptations of scientific and technological advances and discoveries.

(d) Collect, correlate, and disseminate information relating to the peaceful uses of nuclear energy, materials, and products, and other products and processes resulting from the application of related science and technology.

(e) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(f) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspects of:

1. Nuclear industry, medicine, or education, or the promotion or regulation thereof.
2. Applying nuclear scientific advances or discoveries, and any industrial commercial or other processes resulting therefrom.
3. The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, by-products, installations, or wastes, or to safety in the production, use and disposal of any other substances peculiarly related thereto.

(g) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations or research in any of the scientific, technological or industrial fields to which this compact relates.

(h) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the West.

(i) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(j) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or local laws or ordinances of the party states or their subdivisions in nuclear and related fields, as in its judgment may be appropriate. Any such recommendations shall be made through the appropriate state agency, with due consideration of the desirability of uniformity but shall also give appropriate weight to any

special circumstances which may justify variations to meet local conditions.

(k) Consider and make recommendations designed to facilitate the transportation of nuclear equipment, materials, products, byproducts, wastes, and any other nuclear or related substances, in such manner and under such conditions as will make their availability or disposal practicable on an economic and efficient basis.

(l) Consider and make recommendations with respect to the assumption of and protection against liability actually or potentially incurred in any phase of operations in nuclear and related fields.

(m) Advise and consult with the federal government concerning the common position of the party states or assist party states with regard to individual problems where appropriate in respect to nuclear and related fields.

(n) Cooperate with the Atomic Energy Commission, the National Aeronautics and Space Administration, the Office of Science and Technology, or any agencies successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interest.

(o) Act as licensee, contractor or sub-contractor of the United States Government or any party state with respect to the conduct of any research activity requiring such license or contract and operate such research facility or undertake any program pursuant thereto, provided that this power shall be exercised only in connection with the implementation of one or more other powers conferred upon the Board by this compact.

(p) Prepare, publish and distribute (with or without charge) such reports, bulletins, newsletters or other materials as it deems appropriate.

(q) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents.

The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

Any nuclear incident plan in force pursuant to this paragraph shall designate the official or agency in each party state covered by the plan who shall coordinate requests for aid pursuant to Article VI of this compact and the furnishing of aid in response thereto.

Unless the party states concerned expressly otherwise agree, the Board shall not administer the summoning and dispatching of aid, but this function shall be undertaken directly by the designated agencies and officers of the party states.

However, the plan or plans of the Board in force pursuant to this paragraph shall provide for reports to the Board concerning the occurrence of nuclear incidents and the requests for aid on account thereof, together with summaries of the actual working and effectiveness of mutual aid in particular instances.

From time to time, the Board shall analyze the information gathered from reports of aid pursuant to Article VI and such other instances of mutual aid as may have come to its attention, so that experience in the rendering of such aid may be available.

(r) Prepare, maintain, and implement a regional plan or regional plans for carrying out the duties, powers, or functions conferred upon the Board by this compact.

(s) Undertake responsibilities imposed or necessarily involved with regional participation pursuant to such cooperative programs of the federal government as are useful in connection with the fields covered by this compact.

ARTICLE VI. MUTUAL AID

(a) Whenever a party state, or any state or local governmental authorities therein, request aid from any other party state pursuant to this compact in coping with a nuclear incident, it shall be the duty of the requested state to render all possible aid to the requesting state which is consonant with the maintenance of protection of its own people.

(b) Whenever the officers or employees of any party state are rendering outside aid pursuant to the request of another party state under this compact, the officers or employees of such state shall, under the direction of the authorities of the state to which they are rendering aid, have the same powers, duties, rights, privileges and immunities as comparable officers and employees of the state to which they are rendering aid.

(c) No party state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on their part while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

(d) All liability that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(e) Any party state rendering outside aid pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of officers, employees and equipment incurred in connection with such requests: PROVIDED, That nothing herein contained shall prevent any assisting party state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving party state without charge or cost.

(f) Each party state shall provide for the payment of compensation and death benefits to injured officers and employees and the representatives of deceased officers and employees in case officers or employees sustain injuries or death while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within the state by or in which the officer or employee was regularly employed.

ARTICLE VII. SUPPLEMENTARY AGREEMENTS

(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify the purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate.

No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

(d) The provisions of this Article shall apply to supplementary agreements and activities thereunder, but shall not be construed to repeal or impair any authority which officers or agencies of party states may have pursuant to other laws to undertake cooperative arrangements or projects.

ARTICLE VIII. OTHER LAWS AND RELATIONS

Nothing in this compact shall be construed to--

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress; nor limit, diminish, affect, or otherwise impair jurisdiction exercised by any officer or agency of a party state, except to the extent that the provisions of this compact may provide therefor.

(c) Alter the relations between and respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the Board to own or operate any facility, reactor, or installation for industrial or commercial purposes.

ARTICLE IX. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

(a) Any or all of the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: PROVIDED, That it shall not become initially effective until enacted into law by five states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until two years after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

(d) Guam and American Samoa, or either of them may participate in the compact to such extent as may be mutually agreed by the Board and the duly constituted authorities of Guam or American Samoa, as the case may be. However, such participation shall not include the furnishing or receipt of mutual aid pursuant to Article VI, unless that Article has been enacted or otherwise adopted so as to have the full force and effect of law in the jurisdiction affected. Neither Guam nor American Samoa shall be entitled to voting participation on the Board, unless it has become a full party to the compact.

ARTICLE X. SEVERABILITY AND CONSTRUCTION

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the Constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the Constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant thereto shall be liberally construed to effectuate the purposes thereof.

[1969 c 9 § 1. Formerly RCW 43.31.400.]

Notes:

Severability--1969 c 9: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 c 9 § 6.]

RCW 43.21F.405 Western interstate nuclear compact--State board member--Appointment,

term--May designate representative.

Applicable Cases

The board member from Washington shall be appointed by and shall serve at the pleasure of the governor. The board member may designate another person as his representative to attend meetings of the board.

[1969 c 9 § 2. Formerly RCW 43.31.405.]

Notes:

Severability--1969 c 9: See note following RCW 43.21F.400.

RCW 43.21F.410 Western interstate nuclear compact--State and local agencies and officers to cooperate.

Applicable Cases

All departments, agencies and officers of this state and its subdivisions are directed to cooperate with the board in the furtherance of any of its activities pursuant to the compact.

[1969 c 9 § 3. Formerly RCW 43.31.410.]

Notes:

Severability--1969 c 9: See note following RCW 43.21F.400.

RCW 43.21F.415 Western interstate nuclear compact--Bylaws, amendments to, filed with secretary of state.

Applicable Cases

Pursuant to Article II(j) of the compact, the western interstate nuclear board shall file copies of its bylaws and any amendments thereto with the secretary of state of the state of Washington.

[1969 c 9 § 4. Formerly RCW 43.31.415.]

Notes:

Severability--1969 c 9: See note following RCW 43.21F.400.

RCW 43.21F.420 Western interstate nuclear compact--Application of state laws, benefits, when persons dispatched to another state.

Applicable Cases

The laws of the state of Washington and any benefits payable thereunder shall apply and be payable to any persons dispatched to another state pursuant to Article VI of the compact. If the aiding personnel are officers or employees of the state of Washington or any subdivisions thereof, they shall be entitled to the same workers' compensation or other benefits in case of injury or death to which they would have been entitled if injured or killed while engaged in coping with a nuclear incident in their jurisdictions of regular employment.

[1987 c 185 § 15; 1969 c 9 § 5. Formerly RCW 43.31.420.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

Severability--1969 c 9: See note following RCW 43.21F.400.

Chapter 43.21G RCW ENERGY SUPPLY EMERGENCIES, ALERTS

RCW

43.21G.010	Legislative finding--Intent.
43.21G.020	Definitions.
43.21G.030	Intent in developing energy production, allocation, and consumption programs.
43.21G.040	Governor's energy emergency powers--Energy supply alert--Construction of chapter.
43.21G.050	Duty of executive authority of state and local governmental agencies to carry out supply alert or emergency measures--Liability for actions.
43.21G.060	Consideration of actions, orders, etc., of federal authorities.
43.21G.070	Compliance by affected persons.
43.21G.080	Compliance by distributors--Fair and just reimbursement.
43.21G.090	Petition for exception or modification--Appeals.
43.21G.100	Penalty.
43.21G.900	Severability--Effective date--1975-'76 2nd ex.s. c 108.

Notes:

Governor's powers to declare energy emergency, etc.: RCW 43.06.200, 43.06.210.

RCW 43.21G.010 Legislative finding--Intent.

Applicable Cases

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to regulate the production, distribution, and use of energy, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary emergency powers for the governor and define the situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or use. Such utilization shall be in addition to support received by the governor from the department of community, trade, and economic development under RCW 43.21F.045 and *43.21F.065 and from other state agencies.

[1996 c 186 § 507; 1981 c 295 § 11; 1977 ex.s. c 328 § 1; 1975-'76 2nd ex.s. c 108 § 15.]

Notes:

***Reviser's note:** RCW 43.21F.065 was repealed by 1996 c 186 § 524, effective July 1, 1996.

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Severability--1977 ex.s. c 328: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 328 § 20.]

RCW 43.21G.020 Definitions.

Applicable Cases

As used in this chapter:

(1) "Energy supply facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means any of the following, individually or in combination: Petroleum fuels; other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency or any other entity, public or private, however organized.

(4) "Committee" means the joint committee on energy and utilities created by RCW 44.39.010 as now or hereafter amended.

(5) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, joint operating agencies, municipal utility, public utility district, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(6) "Regulated distributor" means a public service company as defined in chapter 80.04 RCW which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state.

(7) "Energy supply alert" means a situation which threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized.

(8) "Energy emergency" means a situation in which the unavailability or disruption of the supply of energy poses a clear and foreseeable danger to the public health, safety, and general welfare.

(9) "State or local governmental agency" means any county, city, town, municipal corporation, political subdivision of the state, or state agency.

[1977 ex.s. c 328 § 2; 1975-'76 2nd ex.s. c 108 § 16.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.030 Intent in developing energy production, allocation, and consumption programs.

Applicable Cases

It is the intent of the legislature that the governor shall, in developing plans for the production, allocation, and consumption of energy, give high priority to supplying vital public services including, but not limited to, essential governmental operations, public health and safety functions, emergency services, public mass transportation systems, fish production, food production and processing facilities, including the provision of water to irrigated agriculture, and energy supply facilities, during a condition of energy supply alert or energy emergency. In developing any such plans, provisions should be made for the equitable distribution of energy among the geographic areas of the state.

It is further the intent of the legislature that the governor shall, to the extent possible, encourage and rely upon voluntary programs and local and regional programs for the production, allocation, and consumption of energy and that involvement of energy users and producers be secured in implementing such programs.

[1977 ex.s. c 328 § 3; 1975-'76 2nd ex.s. c 108 § 17.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.040 Governor's energy emergency powers--Energy supply alert--Construction of chapter.

Applicable Cases

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement

programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee.

Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.05 RCW, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor.

[1987 c 505 § 83; 1985 c 308 § 1; 1981 c 281 § 1; 1980 c 87 § 23; 1979 ex.s. c 158 § 1; 1977 ex.s. c 328 § 4; 1975-'76 2nd ex.s. c 108 § 18.]

Notes:

Effective date--1985 c 308: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 29, 1985." [1985 c 308 § 2.]

Severability--1981 c 281: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 281 § 3.]

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.050 Duty of executive authority of state and local governmental agencies to

carry out supply alert or emergency measures--Liability for actions.

Applicable Cases

To protect the public welfare during a condition of energy supply alert or energy emergency, the executive authority of each state or local governmental agency is hereby authorized and directed to take action to carry out the orders issued by the governor pursuant to this chapter as now or hereafter amended. A local governmental agency shall not be liable for any lawful actions consistent with RCW 43.21G.030 as now or hereafter amended taken in good faith in accordance with such orders issued by the governor.

[1981 c 281 § 2; 1977 ex.s. c 328 § 5; 1975-'76 2nd ex.s. c 108 § 19.]

Notes:

Severability--1981 c 281: See note following RCW 43.21G.040.

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.060 Consideration of actions, orders, etc., of federal authorities.

Applicable Cases

In order to attain uniformity, as far as is practicable throughout the United States, in measures taken to aid in energy crisis management, all action taken under this chapter as now or hereafter amended, and all orders and rules made pursuant hereto, shall be taken or made with due consideration for and consistent when practicable with the orders, rules, regulations, actions, recommendations, and requests of federal authorities.

[1977 ex.s. c 328 § 6; 1975-'76 2nd ex.s. c 108 § 20.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.070 Compliance by affected persons.

Applicable Cases

Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this chapter as now or hereafter amended shall comply therewith immediately.

[1977 ex.s. c 328 § 7; 1975-'76 2nd ex.s. c 108 § 21.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.080 Compliance by distributors--Fair and just reimbursement.

Applicable Cases

The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to this chapter as now or hereafter amended: PROVIDED, That orders to regulated distributors shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor. No distributor shall be liable for actions taken in accordance with such orders issued by the governor or the Washington

utilities and transportation commission.

All allocations of energy from one distributor to another distributor pursuant to orders issued or as a result of actions taken under this chapter as now or hereafter amended are subject to fair and just reimbursement. Such reimbursement for any allocation of energy between regulated distributors shall be subject to the approval of the Washington utilities and transportation commission. A distributor is authorized to enter into agreements with another distributor for the purpose of determining financial or commodity reimbursement.

[1977 ex.s. c 328 § 8; 1975-'76 2nd ex.s. c 108 § 22.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.090 Petition for exception or modification--Appeals.

Applicable Cases

(1) Any person aggrieved by an order issued or action taken pursuant to this chapter as now or hereafter amended may petition the governor and request an exception from or modification of such order or action. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter as now or hereafter amended may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued or action taken pursuant to this chapter as now or hereafter amended, nor to hear and determine any appeal from any such order. The provisions of Rule 16.2, Rules of Appellate Procedure, shall apply to any proceedings in the supreme court brought pursuant to this chapter as now or hereafter amended.

[1977 ex.s. c 328 § 9; 1975-'76 2nd ex.s. c 108 § 23.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 43.21G.100 Penalty.

Applicable Cases

Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

[1975-'76 2nd ex.s. c 108 § 24.]

RCW 43.21G.900 Severability--Effective date--1975-'76 2nd ex.s. c 108.

Applicable Cases

See notes following RCW 43.21F.010.

**Chapter 43.21H RCW
STATE ECONOMIC POLICY**

RCW

- 43.21H.010 Purpose.
43.21H.020 State and local authorities to insure that economic values be given appropriate consideration in rule-making process.
43.21H.030 Statutory obligations of agencies not affected.
43.21H.900 Severability--1975-'76 2nd ex.s. c 117.

RCW 43.21H.010 Purpose.

Applicable Cases

The purpose of this chapter is to assert that it is the intent of the legislature that economic values are given appropriate consideration along with environmental, social, health, and safety considerations in the promulgation of rules by state and local government.

[1975-'76 2nd ex.s. c 117 § 1.]

RCW 43.21H.020 State and local authorities to insure that economic values be given appropriate consideration in rule-making process.

Applicable Cases

All state agencies and local government entities with rule-making authority under state law or local ordinance shall adopt methods and procedures which will insure that economic values will be given appropriate consideration in the rule-making process along with environmental, social, health, and safety considerations.

[1975-'76 2nd ex.s. c 117 § 2.]

RCW 43.21H.030 Statutory obligations of agencies not affected.

Applicable Cases

Nothing in this chapter shall in any way affect the specific statutory obligations of any agency:

- (1) To comply with environmental, social, health, safety, or other standards prescribed by law;
- (2) To coordinate or consult with any other public agency; or
- (3) To act, or refrain from acting, where required by law, upon the recommendations or certification of another public agency.

[1975-'76 2nd ex.s. c 117 § 3.]

RCW 43.21H.900 Severability--1975-'76 2nd ex.s. c 117.

Applicable Cases

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or

circumstances is not affected.

[1975-'76 2nd ex.s. c 117 § 4.]

Chapter 43.211 RCW OFFICE OF MARINE SAFETY

RCW

43.211.005	Findings--Consolidation of oil spill programs--Administrator of consolidated oil spill program.
43.211.010	Office of marine safety.
43.211.030	Administrator's powers.
43.211.040	Authority to administer oaths and issue subpoenas.
43.211.900	Effective dates--Severability--1991 c 200.

Notes:

Abolishment of office: RCW 88.46.921.

RCW 43.211.005 Findings--Consolidation of oil spill programs--Administrator of consolidated oil spill program.

Applicable Cases

(1) The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.

The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.

(2) The legislature finds that adequate funding is necessary for the state to continue its priority focus on the prevention of oil spills, as well as maintain a strong oil spill response, planning, and environmental restoration capability. The legislature further finds that [the] long-term environmental health of the state's waters depends upon the strength and vitality of its oil spill prevention and response program that fosters planning, coordination, and incident command. To that end, the merger of the office of marine safety with the department of ecology shall: Ensure coordination via streamlining the marine safety functions of two agencies into one; provide a focused prevention and response program under a single administration; generate efficient incident command response capability and continue to meet the challenges threatening marine safety and the environment; and increase accountability to the public, the executive branch, and the legislature.

(3) It is the intent of the legislature that the state's oil spill prevention, response, planning,

and environmental restoration activities be sufficiently funded to maintain a strong prevention and response program. It is further the intent of the legislature that the merger of the office of marine safety with the department of ecology be accomplished in an organizational manner that maintains a priority focus and position for the oil spill prevention and response program. The merger shall allow for ready identification of the program by the public and ensure no diminution in the state's commitment to marine safety and environmental protection as follows:

(a) The director of the department of ecology shall consolidate all of the agency's oil spill prevention, planning, and response programs and personnel into a division or equivalent unit of organization within the department. The division shall be managed by a single administrator who is an assistant director or person of equivalent status in the department's organization. The administrator shall report directly to the director.

(b) The consolidated oil spill program unit within the department shall maintain prevention of oil spills as a specific program.

(c) The department shall identify and participate in resolving threats to safety of marine transportation and the impact of marine transportation on the environment.

[1997 c 449 § 1; (1995 2nd sp.s. c 14 § 514 expired June 30, 1997); 1991 c 200 § 401. Formerly RCW 43.21A.705.]

Notes:

Effective date--1997 c 449: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 449 § 6.]

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Effective dates--Severability--1991 c 200: See RCW 90.56.901 and 90.56.904.

RCW 43.21I.010 Office of marine safety.

Applicable Cases

(1) There is hereby created an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The office of marine safety shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the administrator needs sufficient organizational flexibility to carry out the office's various duties. To the extent practical, the administrator shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the office;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The office shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the office shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the administrator may create such administrative divisions, offices, bureaus, and programs within the office as the administrator deems necessary. The administrator shall have complete charge of and supervisory powers over the office, except where the administrator's authority is specifically limited by law.

(6) The administrator shall appoint such personnel as are necessary to carry out the duties of the office. In addition to exemptions set forth in *RCW 41.06.070(28), the administrator, the administrator's confidential secretary, and up to four professional staff members shall be exempt from the provisions of chapter 41.06 RCW. All other employees of the office shall be subject to the provisions of chapter 41.06 RCW.

[1992 c 73 § 4; (1995 2nd sp.s. c 14 § 515 expired June 30, 1997); 1991 c 200 § 402. Formerly RCW 43.21A.710.]

Notes:

***Reviser's note:** RCW 41.06.070 was amended by 1993 c 281 § 21, changing subsection (28) to subsection (3).

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Effective dates--Severability--1992 c 73: See RCW 82.23B.902 and 90.56.905.

Effective dates--Severability--1991 c 200: See RCW 90.56.901 and 90.56.904.

RCW 43.21I.030 Administrator's powers.

Applicable Cases

In addition to any other powers granted the administrator, the administrator may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.46 RCW. Members of such advisory committees are authorized to

receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The administrator shall review each advisory committee within the jurisdiction of the office and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(4) Delegate powers, duties, and functions of the office to employees of the office as the administrator deems necessary to carry out the provisions of this chapter and chapter 88.46 RCW;

(5) Enter into contracts on behalf of the office to carry out the purposes of this chapter and chapter 88.46 RCW;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of this chapter and chapter 88.46 RCW; or

(7) Accept gifts, grants, or other funds.

[1992 c 73 § 11; (1995 2nd sp.s. c 14 § 516 expired June 30, 1997); 1991 c 200 § 405. Formerly RCW 43.21A.715.]

Notes:

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Effective dates--Severability--1992 c 73: See RCW 82.23B.902 and 90.56.905.

Effective dates--Severability--1991 c 200: See RCW 90.56.901 and 90.56.904.

RCW 43.211.040 Authority to administer oaths and issue subpoenas.

Applicable Cases

(1) The administrator shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the administrator together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

[1991 c 200 § 407; (1995 2nd sp.s. c 14 § 517 expired June 30, 1997). Formerly RCW 43.21A.720.]

Notes:

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Effective dates--Severability--1991 c 200: See RCW 90.56.901 and 90.56.904.

RCW 43.21I.900 Effective dates--Severability--1991 c 200.

Applicable Cases

See RCW 90.56.901 and 90.56.904.

**Chapter 43.21J RCW
ENVIRONMENTAL AND FOREST RESTORATION PROJECTS**

RCW

43.21J.005	Legislative findings.
43.21J.010	Intent--Purpose--Definitions.
43.21J.020	Environmental and forest restoration account.
43.21J.030	Environmental enhancement and job creation task force.
43.21J.040	Environmental enhancement and restoration project proposals--Evaluation--Award of funds.
43.21J.050	Training or employment.
43.21J.060	Unemployment compensation benefits--Training.
43.21J.070	Unemployment compensation benefits--Special base year and benefit year.
43.21J.800	Joint legislative audit and review committee report.
43.21J.900	Short title--1993 c 516.
43.21J.901	Section captions and part headings--1993 c 516.
43.21J.902	Severability--1993 c 516.
43.21J.903	Conflict with federal requirements--1993 c 516.
43.21J.904	Effective date--1993 c 516.

RCW 43.21J.005 Legislative findings.

Applicable Cases

(1) The legislature finds that the long-term health of the economy of Washington state depends on the sustainable management of its natural resources. Washington's forests, estuaries, waterways, and watersheds provide a livelihood for thousands of citizens of Washington state and millions of dollars of income and tax revenues every year from forests, fisheries, shellfisheries, recreation, tourism, and other water-dependent industries.

(2) The legislature further finds that the livelihoods and revenues produced by Washington's forests, estuaries, waterways, and watersheds would be enhanced by immediate investments in clean water infrastructure and habitat restoration.

(3) The legislature further finds that an insufficiency in financial resources, especially in timber-dependent communities, has resulted in investments in clean water and habitat restoration too low to ensure the long-term economic and environmental health of Washington's forests, estuaries, waterways, and watersheds.

(4) The legislature further finds that unemployed workers and Washington's economically distressed communities, especially timber-dependent areas, can benefit from opportunities for employment in environmental restoration projects.

(5) The legislature therefore declares that immediate investments in a variety of environmental restoration projects, based on sound principles of watershed management and environmental and forest restoration, are necessary to rehabilitate damaged watersheds and to

assist dislocated workers and the unemployed gain job skills necessary for long-term employment.

[1993 c 516 § 1.]

RCW 43.21J.010 Intent--Purpose--Definitions.

Applicable Cases

(1) It is the intent of this chapter to provide financial resources to make substantial progress toward: (a) Implementing the Puget Sound water quality management plan and other watershed-based management strategies and plans; (b) ameliorating degradation to watersheds; and (c) keeping and creating stable, environmentally sound, good wage employment in Washington state. The legislature intends that employment under this chapter is not to result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

(2) It is the purpose of this chapter to:

(a) Implement clean water, forest, and habitat restoration projects that will produce measurable improvements in water and habitat quality, that rate highly when existing environmental ranking systems are applied, and that provide economic stability.

(b) Facilitate the coordination and consistency of federal, state, tribal, local, and private water and habitat protection and enhancement programs in the state's watersheds.

(c) Fund necessary projects for which a public planning process has been completed.

(d) Provide immediate funding to create jobs and training for environmental restoration and enhancement jobs for unemployed workers and displaced workers in impact areas, especially rural natural resources-dependent communities.

(3) For purposes of this chapter "impact areas" means: (a) Distressed counties as defined in RCW 43.165.010(3)(a); (b) subcounty areas in those counties not covered under (a) of this subsection that are rural natural resources impact areas as defined in RCW 43.31.601; (c) urban subcounty areas as defined in *RCW 43.165.010(3)(c); and (d) areas that the task force determines are likely to experience dislocations in the near future from downturns in natural resource-based industries.

(4) For purposes of this chapter, "high-risk youth" means youth eligible for Washington conservation corps programs under chapter 43.220 RCW or Washington service corps programs under chapter 50.65 RCW.

(5) For purposes of this chapter, "dislocated forest products worker" has the meaning set forth in RCW 50.70.010.

(6) For purposes of this chapter, "task force" means the environmental enhancement and job creation task force created under RCW 43.21J.030.

[1995 c 226 § 26; 1993 c 516 § 2.]

Notes:

***Reviser's note:** RCW 43.165.010 was amended by 1996 c 290 § 2, changing subsection (3)(c) to

subsection (3)(d).

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

RCW 43.21J.020 Environmental and forest restoration account.

Applicable Cases

(1) The environmental and forest restoration account is established in the state treasury. Money in the account may be spent only after appropriation by the legislature and in a manner consistent with this chapter. Private nonprofit organizations and state, local, and tribal entities are eligible for funds under this chapter. Money in the account may be used to make grants, loans, or interagency contracts as needed to implement environmental and forest restoration projects.

(2) For fiscal years 1994 through 1998, at least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in rural communities impacted by the decline in timber harvest levels as defined in chapter 50.70 RCW and that employ displaced timber workers. These projects may include watershed restoration such as removing or upgrading roads to reduce erosion and sedimentation, and improvements in forest habitat such as thinning and pruning. Beginning July 1, 1998, at least fifty percent of the funds in the environmental and forest restoration account shall be used for environmental restoration and enhancement projects in counties with unemployment rates above the state average.

(3) The environmental and forest restoration account shall consist of funds appropriated by law, principal and interest from the repayment of loans granted under this chapter, and federal and other money received by the state for deposit in the account.

(4) At least ten percent of the funds distributed from the environmental and forest restoration account annually shall be allocated to the Washington conservation corps established under chapter 43.220 RCW to employ high-risk youth on projects consistent with this chapter and to fund administrative support services required by the senior environmental corps established under chapter 43.63A RCW.

(5) At least five percent of the funds distributed from the environmental and forest restoration account annually shall be used for contracts with nonprofit corporations to fund or finance projects, including those that increase private sector investments in pollution prevention activities and equipment and that are consistent with the provisions of this section and RCW 43.21J.040.

(6) No more than five percent of the annual revenues to the environmental and forest restoration account may be expended for administrative purposes by any state agency or project administration; however, funds expended by the Washington conservation corps shall be subject solely to the limitations set forth in *RCW 43.220.230.

(7) Except for essential administrative and supervisory purposes, funds in the environmental and forest restoration account may not be used for hiring permanent state employees.

[1993 c 516 § 3.]

Notes:

***Reviser's note:** RCW 43.220.230 was repealed by 1999 c 280 § 8.

RCW 43.21J.030 Environmental enhancement and job creation task force.

Applicable Cases

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the *Puget Sound water quality authority, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

[1998 c 245 § 60; 1994 c 264 § 17; 1993 c 516 § 5.]

Notes:

***Reviser's note:** The Puget Sound water quality authority and its powers and duties, pursuant to the Sunset Act, chapter 43.131 RCW, were terminated June 30, 1995, and repealed June 30, 1996. See 1990 c 115 §§ 11 and 12. Powers, duties, and functions of the Puget Sound water quality authority pertaining to cleanup and protection of Puget Sound transferred to the Puget Sound action team by 1996 c 138 § 11. See RCW 90.71.903.

RCW 43.21J.040 Environmental enhancement and restoration project proposals--Evaluation--Award of funds.

Applicable Cases

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to *Puget Sound water quality authority rules adopted for local planning and management of nonpoint source pollution;

- (b) Conservation district projects that provide water quality and habitat improvements;
 - (c) Indian tribe projects that provide water quality and habitat improvements; or
 - (d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.
- (3) Funds shall not be awarded for the following activities:
- (a) Administrative rule making;
 - (b) Planning; or
 - (c) Public education.

[1993 c 516 § 4.]

Notes:

***Reviser's note:** The Puget Sound water quality authority and its powers and duties, pursuant to the Sunset Act, chapter 43.131 RCW, were terminated June 30, 1995, and repealed June 30, 1996. See 1990 c 115 §§ 11 and 12. Powers, duties, and functions of the Puget Sound water quality authority pertaining to cleanup and protection of Puget Sound transferred to the Puget Sound action team by 1996 c 138 § 11. See RCW 90.71.903.

RCW 43.21J.050 Training or employment.

Applicable Cases

(1) Eligibility for training or employment in projects funded through the environmental and forest restoration account shall, to the extent practicable, be for workers who are currently unemployed.

(2) To the greatest extent practicable, the following groups of individuals shall be given preference for training or employment in projects funded through the environmental and forest restoration account:

- (a) Dislocated workers who are receiving unemployment benefits or have exhausted unemployment benefits; and
- (b) High-risk youth.

(3) Projects funded for forest restoration shall be for workers whose employment was terminated in the Washington forest products industry within the previous four years.

(4) The task force shall submit a list to private industry councils and the employment security department of projects receiving funds under the provisions of this chapter. The list shall include the number, location, and types of jobs expected to be provided by each project. The employment security department shall recruit workers for these jobs by:

- (a) Notifying dislocated forest workers who meet the definitions in chapter 50.70 RCW, who are receiving unemployment benefits or who have exhausted unemployment benefits, of their eligibility for the programs;
 - (b) Notifying other unemployed workers;
 - (c) Developing a pool of unemployed workers including high-risk youth eligible to enroll in the program; and
 - (d) Establishing procedures for workers to apply to the programs.
- (5) The employment security department shall refer eligible workers to employers hiring

under the environmental and forest restoration account programs. Recipients of funds shall consider the list of eligible workers developed by the employment security department before conducting interviews or making hiring decisions. Recipients of funds shall ensure that workers are aware of whatever opportunities for vocational training, job placement, and remedial education are available from the employment security department.

(6) An individual is eligible for applicable employment security benefits while participating in training related to this chapter. Eligibility shall be confirmed by the commissioner of employment security by submitting a commissioner-approved training waiver.

(7) Persons receiving funds from the environmental and forest restoration account shall not be considered state employees for the purposes of existing provisions of law with respect to hours of work, sick leave, vacation, and civil service but shall receive health benefits. Persons receiving funds from this account who are hired by a state agency, except for Washington conservation and service corps enrollees, shall receive medical and dental benefits as provided under chapter 41.05 RCW and industrial insurance coverage under Title 51 RCW, but are exempt from the provisions of chapter 41.06 RCW.

(8) Compensation for employees, except for Washington conservation and service corps enrollees, hired under the program established by this chapter shall be based on market rates in accordance with the required skill and complexity of the jobs created. Remuneration paid to employees under this chapter shall be considered covered employment for purposes of chapter 50.04 RCW.

(9) Employment under this program shall not result in the displacement or partial displacement, whether by the reduction of hours of nonovertime work, wages, or other employment benefits, of currently employed workers, including but not limited to state civil service employees, or of currently or normally contracted services.

[1993 c 516 § 8.]

RCW 43.21J.060 Unemployment compensation benefits--Training.

Applicable Cases

An individual shall be considered to be in training with the approval of the commissioner as defined in RCW 50.20.043, and be eligible for applicable unemployment insurance benefits while participating in and making satisfactory progress in training related to this chapter.

[1993 c 516 § 9.]

RCW 43.21J.070 Unemployment compensation benefits--Special base year and benefit year.

Applicable Cases

For the purpose of providing the protection of the unemployment compensation system to individuals at the conclusion of training or employment obtained as a result of this chapter, a special base year and benefit year are established.

(1) Only individuals who have entered training or employment provided by the environmental and forest restoration account, and whose employment or training under such

account was not considered covered under chapter 50.04 RCW, shall be allowed the special benefit provisions of this chapter.

(2) An application for initial determination made under this chapter must be filed in writing with the employment security department within twenty-six weeks following the week in which the individual commenced employment or training obtained as a result of this chapter. Notice from the individual, from the employing entity, or notice of hire from employment security department administrative records shall satisfy this requirement.

(3) For the purpose of this chapter, a special base year is established for an individual consisting of the first four of the last five completed calendar quarters, or if a benefit year is not established using the first four of the last five completed calendar quarters as the base year, the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual began employment or training provided by the environmental and forest restoration account.

(4) A special individual benefit year is established consisting of the entire period of training or employment provided by the environmental and forest restoration account and a fifty-two consecutive week period commencing with the first day of the calendar week in which the individual last participated in such employment or training. No special benefit year shall have a duration in excess of three hundred twelve calendar weeks. Such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year may elect to establish a special benefit year under this chapter, notwithstanding the provisions in RCW 50.04.030 relating to establishment of a subsequent benefit year, and RCW 50.40.010 relating to waiver of rights. Such unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish a special benefit year under this chapter.

(5) The individual's weekly benefit amount and maximum amount payable during the special benefit year shall be governed by the provisions contained in RCW 50.20.120. The individual's basic and continuing right to benefits shall be governed by the general laws and rules relating to the payment of unemployment compensation benefits to the extent that they are not in conflict with the provisions of this chapter.

(6) The fact that wages, hours, or weeks worked during the special base year may have been used in computation of a prior valid claim for unemployment compensation shall not affect a claim for benefits made under the provisions of this chapter. However, wages, hours, and weeks worked used in computing entitlement on a claim filed under this chapter shall not be available or used for establishing entitlement or amount of benefits in any succeeding benefit year.

(7) Benefits paid to an individual filing under the provisions of this section shall not be charged to the experience rating account of any contribution paying employer.

[1993 c 516 § 10.]

RCW 43.21J.800 Joint legislative audit and review committee report.

Applicable Cases

On or before June 30, 1998, the joint legislative audit and review committee shall prepare a report to the legislature evaluating the implementation of the environmental restoration jobs act of 1993, chapter 516, Laws of 1993.

[1996 c 288 § 36; 1993 c 516 § 11.]

RCW 43.21J.900 Short title--1993 c 516.

Applicable Cases

This act shall be known as the environmental restoration jobs act of 1993.

[1993 c 516 § 15.]

RCW 43.21J.901 Section captions and part headings--1993 c 516.

Applicable Cases

Section captions and part headings as used in this act constitute no part of the law.

[1993 c 516 § 16.]

RCW 43.21J.902 Severability--1993 c 516.

Applicable Cases

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

[1993 c 516 § 17.]

RCW 43.21J.903 Conflict with federal requirements--1993 c 516.

Applicable Cases

If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

[1993 c 516 § 19.]

RCW 43.21J.904 Effective date--1993 c 516.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 516 § 20.]

Chapter 43.21K RCW
ENVIRONMENTAL EXCELLENCE PROGRAM AGREEMENTS

RCW

43.21K.005	Purpose--1997 c 381.
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43.21K.110	Enforceable and voluntary commitments--Enforcement actions.
43.21K.120	Reduced fee schedule.
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43.21K.150	Costs of processing proposals--Fees--Voluntary contributions.
43.21K.160	Termination of authority to enter into agreements.
43.21K.170	Environmental excellence account.

RCW 43.21K.005 Purpose--1997 c 381.

Applicable Cases

The purpose of chapter 381, Laws of 1997 is to create a voluntary program authorizing environmental excellence program agreements with persons regulated under the environmental laws of the state of Washington, and to direct agencies of the state of Washington to solicit and support the development of agreements that use innovative environmental measures or strategies to achieve environmental results more effectively or efficiently.

Agencies shall encourage environmental excellence program agreements that favor or promote pollution prevention, source reduction, or improvements in practices that are transferable to other interested entities or that can achieve better overall environmental results than required by otherwise applicable rules and requirements.

In enacting chapter 381, Laws of 1997 it is not the intent of the legislature that state environmental standards be applied in a manner that could result in these state standards being waived under section 121 of the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. Sec. 9261).

[1997 c 381 § 1.]

RCW 43.21K.010 Definitions.

Applicable Cases

The definitions in this section apply throughout this chapter unless the context clearly

requires otherwise.

(1) "State, regional, or local agency" means an agency, board, department, authority, or commission that administers environmental laws.

(2) "Coordinating agency" means the state, regional, or local agency with the primary regulatory responsibility for the proposed environmental excellence program agreement. If multiple agencies have jurisdiction to administer state environmental laws affected by an environmental excellence agreement, the department of ecology shall designate or act as the coordinating agency.

(3) "Director" means the individual or body of individuals in whom the ultimate legal authority of an agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the director.

(4) "Environmental laws" means chapters 43.21A, 70.94, 70.95, 70.105, 70.119A, 75.20, 90.48, 90.52, 90.58, 90.64, and 90.71 RCW, and RCW 90.54.020(3)(b) and rules adopted under those chapters and section. The term environmental laws as used in this chapter does not include any provision of the Revised Code of Washington, or of any municipal ordinance or enactment, that regulates the selection of a location for a new facility.

(5) "Facility" means a site or activity that is regulated under any of the provisions of the environmental laws.

(6) "Legal requirement" includes any provision of an environmental law, rule, order, or permit.

(7) "Sponsor" means the owner or operator of a facility, including a municipal corporation, subject to regulation under the environmental laws of the state of Washington, or an authorized representative of the owner or operator, that submits a proposal for an environmental excellence program agreement.

(8) "Stakeholder" means a person who has a direct interest in the proposed environmental excellence program agreement or who represents a public interest in the proposed environmental excellence program agreement. Stakeholders may include communities near the project, local or state governments, permittees, businesses, environmental and other public interest groups, employees or employee representatives, or other persons.

[1997 c 381 § 2.]

RCW 43.21K.020 Agreements--Environmental results.

Applicable Cases

An environmental excellence program agreement entered into under this chapter must achieve more effective or efficient environmental results than the results that would be otherwise achieved. The basis for comparison shall be a reasonable estimate of the overall impact of the participating facility on the environment in the absence of an environmental excellence program agreement. More effective environmental results are results that are better overall than those that would be achieved under the legal requirements superseded or replaced by the agreement. More efficient environmental results are results that are achieved at reduced cost but do not decrease the overall environmental results achieved by the participating facility. An environmental

excellence program agreement may not authorize either (1) the release of water pollutants that will cause to be exceeded, at points of compliance in the ambient environment established pursuant to law, numeric surface water or ground water quality criteria or numeric sediment quality criteria adopted as rules under chapter 90.48 RCW; or (2) the emission of any air contaminants that will cause to be exceeded any air quality standard as defined in RCW 70.94.030(3); or (3) a decrease in the overall environmental results achieved by the participating facility compared with results achieved over a representative period before the date on which the agreement is proposed by the sponsor. However, an environmental excellence program agreement may authorize reasonable increases in the release of pollutants to permit increases in facility production or facility expansion and modification.

[1997 c 381 § 3.]

RCW 43.21K.030 Authority for agreements--Restrictions.

Applicable Cases

(1) The director of a state, regional, or local agency may enter into an environmental excellence program agreement with any sponsor, even if one or more of the terms of the environmental excellence program agreement would be inconsistent with an otherwise applicable legal requirement. An environmental excellence program agreement must meet the requirements of RCW 43.21K.020. Otherwise applicable legal requirements identified according to RCW 43.21K.060(1) shall be superseded and replaced in accordance with RCW 43.21K.080.

(2) The director of a state, regional, or local agency may enter into an environmental excellence program agreement only to the extent the state, regional, or local agency has jurisdiction to administer state environmental laws either directly or indirectly through the adoption of rules.

(3) Where a sponsor proposes an environmental excellence program agreement that would affect legal requirements applicable to the covered facility that are administered by more than one state, regional, or local agency, the coordinating agency shall take the lead in developing the environmental excellence program agreement with the sponsor and other agencies administering legal requirements applicable to the covered facility and affected by the agreement. The environmental excellence program agreement does not become effective until the agreement is approved by the director of each agency administering legal requirements identified according to RCW 43.21K.060(1).

(4) No director may enter into an environmental excellence program agreement applicable to a remedial action conducted under the Washington model toxics control act, chapter 70.105D RCW, or the federal comprehensive environmental response, compensation and liability act (42 U.S.C. Sec. 9601 et seq.). No action taken under this chapter shall be deemed a waiver of any applicable, relevant, or appropriate requirements for any remedial action conducted under the Washington model toxics control act or the federal comprehensive environmental response, compensation and liability act.

(5) The directors of state, regional, or local agencies shall not enter into an environmental excellence program agreement or a modification of an environmental excellence program

agreement containing terms affecting legal requirements adopted to comply with provisions of a federal regulatory program and to which the responsible federal agency objects after notice under the terms of RCW 43.21K.070(4).

(6) The directors of regional or local governments may not enter into an environmental excellence program agreement or a modification of an environmental excellence program agreement containing terms affecting legal requirements that are subject to review or appeal by a state agency, including but not limited to chapters 70.94, 70.95, and 90.58 RCW, and to which the responsible state agency objects after notice is given under the terms of RCW 43.21K.070(4).

[1997 c 381 § 4.]

RCW 43.21K.040 Proposals for agreements.

Applicable Cases

(1) A sponsor may propose an environmental excellence program agreement. A trade association or other authorized representative of a sponsor or sponsors may propose a programmatic environmental excellence program agreement for multiple facilities.

(2) A sponsor must submit, at a minimum, the following information and other information that may be requested by the director or directors required to sign the agreement:

(a) A statement that describes how the proposal is consistent with the purpose of this chapter and the project approval criteria in RCW 43.21K.020;

(b)(i) For a site-specific proposal, a comprehensive description of the proposed environmental excellence project that includes the nature of the facility and the operations that will be affected, how the facility or operations will achieve results more effectively or efficiently, and the nature of the results anticipated; or

(ii) For a programmatic proposal, a comprehensive description of the proposed environmental excellence project that identifies the facilities and the operations that are expected to participate, how participating facilities or operations will achieve environmental results more effectively or efficiently, the nature of the results anticipated, and the method to identify and document the commitments made by individual participants;

(c) An environmental checklist, containing sufficient information to reasonably inform the public of the nature of the proposed environmental excellence program agreement and describing probable significant adverse environmental impacts and environmental benefits expected from implementation of the proposal;

(d) A draft environmental excellence program agreement;

(e) A description of the stakeholder process as provided in RCW 43.21K.050;

(f) A preliminary identification of the permit amendments or modifications that may be necessary to implement the proposed environmental excellence program agreement.

[1997 c 381 § 5.]

RCW 43.21K.050 Stakeholder participation.

Applicable Cases

(1) Stakeholder participation in and support for an environmental excellence program

agreement is vital to the integrity of the environmental excellence program agreement and helps to inform the decision whether an environmental excellence program agreement can be approved.

(2) A proposal for an environmental excellence program agreement shall include the sponsor's plan to identify and contact stakeholders, to advise stakeholders of the facts and nature of the project, and to request stakeholder participation and review. Stakeholder participation and review shall occur during the development, consideration, and implementation stages of the proposed environmental excellence program agreement. The plan shall include notice to the employees of the facility to be covered by the proposed environmental excellence program agreement and public notice in the area of the covered facility.

(3) The coordinating agency shall extend an invitation to participate in the development of the proposal to a broad and representative sector of the public likely to be affected by the environmental excellence program agreement, including representatives of local community, labor, environmental, and neighborhood advocacy groups. The coordinating agency shall select participants to be included in the stakeholder process that are representative of the diverse sectors of the public that are interested in the agreement. The stakeholder process shall include the opportunity for discussion and comment at multiple stages of the process and access to the information relied upon by the directors in approving the agreement.

(4) The coordinating agency will identify any additional provisions for the stakeholder process that the director of the coordinating agency, in the director's sole discretion, considers appropriate to the success of the stakeholder process, and provide for notice to the United States environmental protection agency or other responsible federal agency of each proposed environmental excellence program agreement that may affect legal requirements of any program administered by that agency.

[1997 c 381 § 6.]

RCW 43.21K.060 Terms and conditions of agreements.

Applicable Cases

An environmental excellence program agreement must contain the following terms and conditions:

(1) An identification of all legal requirements that are superseded or replaced by the environmental excellence program agreement;

(2) A description of all legal requirements that are enforceable as provided in RCW 43.21K.110(1) that are different from those legal requirements applicable in the absence of the environmental excellence program agreement;

(3) A description of the voluntary goals that are or will be pursued by the sponsor;

(4) A statement describing how the environmental excellence program agreement will achieve the purposes of this chapter;

(5) A statement describing how the environmental excellence program agreement will be implemented, including a list of steps and an implementation schedule;

(6) A statement that the proposed environmental excellence program agreement will not increase overall worker safety risks or cause an unjust or disproportionate and inequitable

distribution of environmental risks among diverse economic and cultural communities;

(7) A summary of the stakeholder process that was followed in the development of the environmental excellence program agreement;

(8) A statement describing how any participating facility shall measure and demonstrate its compliance with the environmental excellence program agreement including, without limitation, a description of the methods to be used to monitor performance, criteria that represent acceptable performance, and the method of reporting performance to the public and local communities. The facility's compliance with the agreement must be independently verifiable;

(9) A description of and plan for public participation in the implementation of the environmental excellence program agreement and for public access to information needed to assess the benefits of the environmental excellence program agreement and the sponsor's compliance with the environmental excellence program agreement;

(10) A schedule of periodic performance review of the environmental excellence program agreement by the directors that signed the agreement;

(11) Provisions for voluntary and involuntary termination of the agreement;

(12) The duration of the environmental excellence program agreement and provisions for renewal;

(13) Statements approving the environmental excellence program agreement made by the sponsor and by or on behalf of directors of each state, regional, or local agency administering legal requirements that are identified according to subsection (1) of this section;

(14) Additional terms as requested by the directors signing the environmental excellence program agreement and consistent with this chapter;

(15) Draft permits or permit modifications as needed to implement the environmental excellence program agreement;

(16) With respect to a programmatic environmental excellence program agreement, a statement of the method with which to identify and document the specific commitments to be made by individual participants.

[1997 c 381 § 7.]

RCW 43.21K.070 Public comment--Notice--Responsiveness summary--Copy to federal agency.

Applicable Cases

(1) The coordinating agency shall provide at least thirty days after notice has been published in a newspaper under subsection (2) of this section for public comment on a proposal to enter into or modify an environmental excellence program agreement. The coordinating agency may provide for an additional period of public comment if required by the complexity of the proposed environmental excellence program agreement and the degree of public interest. Before the start of the comment period, the coordinating agency shall prepare a proposed agreement, a public notice and a fact sheet. The fact sheet shall: (a) Briefly describe the principal facts and the significant factual, legal, methodological and policy questions considered by the directors signing the agreement, and the directors' proposed decisions; and (b) briefly describe

how the proposed action meets the requirements of RCW 43.21K.020.

(2) The coordinating agency shall publish notice of the proposed agreement in the Washington State Register and in a newspaper of general circulation in the vicinity of the facility or facilities covered by the proposed environmental excellence program agreement. The notice shall generally describe the agreement or modification; the facilities to be covered; summarize the changes in legal requirements that will result from the agreement; summarize the reasons for approving the agreement or modifications; identify an agency person to contact for additional information; state that the proposed agreement or modification and fact sheet are available on request; and state that comments may be submitted to the agency during the comment period. The coordinating agency shall order a public informational meeting or a public hearing to receive oral comments if the written comments during the comment period demonstrate considerable public interest in the proposed agreement.

(3) The coordinating agency shall prepare and make available a responsiveness summary indicating the agencies' actions taken in response to comments and the reasons for those actions.

(4) With respect to an environmental excellence program agreement that affects legal requirements adopted to comply with provisions of a federal regulatory program, the coordinating agency shall provide a copy of the environmental excellence program agreement, and a copy of the notice required by subsection (1) of this section, to the federal agency that is responsible for administering that program at least thirty days before entering into or modifying the environmental excellence program agreement, and shall afford the federal agency the opportunity to object to those terms of the environmental excellence program agreement or modification of an environmental excellence program agreement affecting the legal requirements. The coordinating agency shall provide similar notice to state agencies that have statutory review or appeal responsibilities regarding provisions of the environmental excellence program agreement.

[1997 c 381 § 8.]

RCW 43.21K.080 Effect of agreements on legal requirements and permits--Permit revisions--Programmatic agreements.

Applicable Cases

(1) Notwithstanding any other provision of law, any legal requirement identified under RCW 43.21K.060(1) shall be superseded or replaced in accordance with the terms of the environmental excellence program agreement. Legal requirements contained in a permit that are affected by an environmental excellence program agreement will continue to be enforceable until such time as the permit is revised in accordance with subsection (2) of this section. With respect to any other legal requirements, the legal requirements contained in the environmental excellence program agreement are effective as provided by the environmental excellence program agreement, and the facility or facilities covered by an environmental excellence program agreement shall comply with the terms of the environmental excellence program agreement in lieu of the legal requirements that are superseded and replaced by the approved environmental excellence program agreement.

(2) Any permits affected by an environmental excellence program agreement shall be revised to conform to the environmental excellence program agreement by the agency with jurisdiction. The permit revisions will be completed within one hundred twenty days of the effective date of the agreement in accordance with otherwise applicable procedural requirements, including, where applicable, public notice and the opportunity for comment, and the opportunity for review and objection by federal agencies.

(3) Other than as superseded or replaced as provided in an approved environmental excellence program agreement, any existing permit requirements remain in effect and are enforceable.

(4) A programmatic environmental excellence program agreement shall become applicable to an individual facility when all directors entering into the programmatic agreement approve the owner or operator's commitment to comply with the agreement. A programmatic agreement may not take effect, however, until notice and an opportunity to comment for the individual facility has been provided in accordance with the requirements of RCW 43.21K.070 (1) through (3).

[1997 c 381 § 9.]

RCW 43.21K.090 Judicial review.

Applicable Cases

(1) A decision by the directors of state, regional, or local agencies to approve a proposed environmental excellence program agreement, or to terminate or modify an approved environmental excellence program agreement, is subject to judicial review in superior court. For purposes of judicial review, the court may grant relief from the decision to approve or modify an environmental excellence program agreement only if it determines that the action: (a) Violates constitutional provisions; (b) exceeds the statutory authority of the agency; (c) was arbitrary and capricious; or (d) was taken without compliance with the procedures provided by this chapter. However, the decision of the director or directors shall be accorded substantial deference by the court. A decision not to enter into or modify an environmental excellence program agreement and a decision not to accept a commitment under RCW 43.21K.080(4) to comply with the terms of a programmatic environmental excellence [program] agreement are within the sole discretion of the directors of the state, regional, or local agencies and are not subject to review.

(2) An appeal from a decision to approve or modify a facility specific or a programmatic environmental excellence program agreement is not timely unless filed with the superior court and served on the parties to the environmental excellence program agreement within thirty days of the date on which the agreement or modification is signed by the director. For an environmental excellence program agreement or modification signed by more than one director, there is only one appeal, and the time for appeal shall run from the last date on which the agreement or modification is signed by a director.

(3) A decision to accept the commitment of a specific facility to comply with the terms of a programmatic environmental excellence program agreement, or to modify the application of an agreement to a specific facility, is subject to judicial review as described in subsection (1) of this

section. An appeal is not timely unless filed with the superior court and served on the directors signing the agreement, the sponsor, and the owner or operator of the specific facility within thirty days of the date the director or directors that signed the programmatic agreement approve the owner or operator's commitment to comply with the agreement. For a programmatic environmental excellence program agreement or modification signed by more than one director, there shall be only one appeal and the time for appeal shall run from the last date on which a director approves the commitment.

(4) The issuance of permits and permit modifications is subject to review under otherwise applicable law.

(5) An appeal of a decision by a director under *section 11 of this act to terminate in whole or in part a facility specific or programmatic environmental excellence program agreement is not timely unless filed with the superior court and served on the director within thirty days of the date on which notice of the termination is issued under *section 11(2) of this act.

[1997 c 381 § 10.]

Notes:

***Reviser's note:** Section 11 of this act was vetoed by the governor.

RCW 43.21K.100 Continued effect of agreements and permits--Modification of affected permit or approval.

Applicable Cases

After a termination under *section 11 of this act is final and no longer subject to judicial review, the sponsor has sixty days in which to apply for any permit or approval affected by any terminated portion of the environmental excellence program agreement. An application filed during the sixty-day period shall be deemed a timely application for renewal of a permit under the terms of any applicable law. Except as provided in *section 11(4) of this act, the terms and conditions of the environmental excellence program agreement and of permits issued will continue in effect until a final permit or approval is issued. If the sponsor fails to submit a timely or complete application, any affected permit or approval may be modified at any time that is consistent with applicable law.

[1997 c 381 § 12.]

Notes:

***Reviser's note:** Section 11 of this act was vetoed by the governor.

RCW 43.21K.110 Enforceable and voluntary commitments--Enforcement actions.

Applicable Cases

(1) The legal requirements contained in the environmental excellence program agreement in accordance with RCW 43.21K.060(2) are enforceable commitments of the facility covered by the agreement. Any violation of these legal requirements is subject to penalties and remedies to

the same extent as the legal requirements that they superseded or replaced.

(2) The voluntary goals stated in the environmental excellence program agreement in accordance with RCW 43.21K.060(3) are voluntary commitments of the facility covered by the agreement. If the facility fails to meet these goals, it shall not be subject to any form of enforcement action, including penalties, orders, or any form of injunctive relief. The failure to make substantial progress in meeting these goals may be a basis on which to terminate the environmental excellence program agreement under *section 11 of this act.

(3) Nothing in this chapter limits the authority of an agency, the attorney general, or a prosecuting attorney to initiate an enforcement action for violation of any applicable legal requirement. However, no civil, criminal, or administrative action may be brought with respect to any legal requirement that is superseded or replaced under the terms of an environmental excellence program agreement.

(4) This chapter does not create any new authority for citizen suits, and does not alter or amend other statutory provisions authorizing citizen suits.

[1997 c 381 § 13.]

Notes:

***Reviser's note:** Section 11 of this act was vetoed by the governor.

RCW 43.21K.120 Reduced fee schedule.

Applicable Cases

An environmental excellence program agreement may contain a reduced fee schedule with respect to a program applicable to the covered facility or facilities.

[1997 c 381 § 14.]

RCW 43.21K.130 Rule-making authority.

Applicable Cases

Any state, regional, or local agency administering programs under an environmental law may adopt rules or ordinances to implement this chapter. However, it is not necessary that an agency adopt rules or ordinances in order to consider or enter into environmental excellence program agreements.

[1997 c 381 § 16.]

RCW 43.21K.140 Advisory committee.

Applicable Cases

The director of the department of ecology shall appoint an advisory committee to review the effectiveness of the environmental excellence program agreement program and to make a recommendation to the legislature concerning the continuation, termination, or modification of the program. The committee also may make recommendations it considers appropriate for revision of any regulatory program that is affected by an environmental excellence program agreement. The committee shall be composed of one representative each from two state agencies,

two representatives of the regulated community, and two representatives of environmental organizations or other public interest groups. The committee must submit a report and its recommendation to the legislature not later than October 31, 2001. The department of ecology shall provide the advisory committee with such support as they may require.

[1997 c 381 § 17.]

RCW 43.21K.150 Costs of processing proposals--Fees--Voluntary contributions.

Applicable Cases

(1) Agencies authorized to enter into environmental excellence program agreements may assess and collect a fee to recover the costs of processing environmental excellence program agreement proposals. The amount of the fee may not exceed the direct and indirect costs of processing the environmental excellence program agreement proposal. Processing includes, but is not limited to: Working with the sponsor to develop the agreement, meeting with stakeholder groups, conducting public meetings and hearings, preparing a record of the decision to enter into or modify an agreement, and defending any appeal from a decision to enter into or modify an agreement. Fees also may include, to the extent specified by the agreement, the agencies' direct costs of monitoring compliance with those specific terms of an agreement not covered by permits issued to the participating facility.

(2) Agencies assessing fees may graduate the initial fees for processing an environmental excellence program agreement proposal to account for the size of the sponsor and to make the environmental excellence program agreement program more available to small businesses. An agency may exercise its discretion to waive all or any part of the fees.

(3) Sponsors may voluntarily contribute funds to the administration of an agency's environmental excellence program agreement program.

[1997 c 381 § 18.]

RCW 43.21K.160 Termination of authority to enter into agreements.

Applicable Cases

The authority of a director to enter into a new environmental excellence program agreement program shall be terminated June 30, 2002. Environmental excellence program agreements entered into before June 30, 2002, shall remain in force and effect subject to the provisions of this chapter.

[1997 c 381 § 19.]

RCW 43.21K.170 Environmental excellence account.

Applicable Cases

The environmental excellence account is hereby created in the state treasury. All fees and voluntary contributions collected by state agencies under RCW 43.21K.150 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes consistent with the environmental excellence program created under this chapter. Moneys in the account may be appropriated to each agency

in an amount equal to the amount each agency collects and deposits into the account.

[1997 c 381 § 32.]

Chapter 43.22 RCW
DEPARTMENT OF LABOR AND INDUSTRIES

RCW

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- 43.22.500 Printing and distribution of publications--Fees.
- 43.22.505 Printing and distribution of publications--Authorized subject matters.
- 43.22.550 Contract to issue conditional federal employer identification numbers, credentials, and documents in conjunction with license applications.

Notes:

Apprenticeship council: RCW 49.04.010, 49.04.030.

Boiler inspections: Chapter 70.79 RCW.

Department created: RCW 43.17.010.

Director

appointment: RCW 43.17.020.

board of pilotage commissioners, ex officio chairman: RCW 88.16.010.

chief assistants: RCW 43.17.040.

oath: RCW 43.17.030.

powers and duties: RCW 43.17.030.

vacancy: RCW 43.17.020, 43.17.040.

Displaced homemaker act, departmental participation: RCW 28B.04.080.

Drug-free workplace programs, rules and report to legislature: RCW 49.82.140.

Electrical apparatus use and construction rules, change of, enforcement: RCW 19.29.040.

Electrical installations

adoption of standards: RCW 19.28.060.

electrical inspectors: RCW 19.28.070.

enforcement duties: RCW 19.28.070.

inspections: RCW 19.28.210.

Explosives, duties: Chapter 70.74 RCW.

Farm labor contractors, duties: Chapter 19.30 RCW.

Industrial deaths, autopsies and post-mortems: RCW 68.50.103 through 68.50.105.

Industrial safety and health standards: Chapter 49.17 RCW.

Labor disputes, arbitration: Chapter 49.08 RCW.

Occupational forecast--Agency consultation: RCW 50.38.030.

Office located at state capital: RCW 43.17.050.

Prevailing wages on public works--Director of labor and industries to arbitrate disputes: RCW 39.12.060.

Public employees collective bargaining, powers and duties: Chapter 41.56 RCW.

Rules and regulations: RCW 43.17.060.

Seasonal laborers: Chapter 49.40 RCW.

State building code: Chapter 19.27 RCW.

Underground work: Chapter 49.24 RCW.

Victims of crimes, compensation, duties of department: Chapter 7.68 RCW.

Wage collection: Chapter 49.48 RCW.

Wages, minimum: Chapter 49.46 RCW.

RCW 43.22.005 Deputy directors.

Applicable Cases

The director of labor and industries may appoint and deputize two assistant directors to be known as deputy directors. The director shall designate one deputy director who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

[1985 c 325 § 1; 1969 ex.s. c 32 § 2.]

RCW 43.22.010 Divisions of department--Personnel.

Applicable Cases

The department of labor and industries shall be organized into divisions that promote efficient and effective performance of the duties the agency is charged by statute to administer.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

[1994 c 164 § 2; 1974 ex.s. c 27 § 1. Prior: 1973 1st ex.s. c 153 § 8; 1973 1st ex.s. c 52 § 2; 1971 c 66 § 2; 1969 ex.s. c 32 § 1; 1965 c 8 § 43.22.010; prior: (i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]

Notes:

Effective date--1973 1st ex.s. c 52: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 52 § 12.]

RCW 43.22.020 Supervisor of industrial insurance--Appointment--Authority--Personnel.

Applicable Cases

The director of labor and industries shall appoint and deputize an assistant, to be known

as the supervisor of industrial insurance, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint and employ such adjusters, medical and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to the administration of workers' compensation and medical aid in this state.

[1994 c 164 § 3; 1965 c 8 § 43.22.020. Prior: 1921 c 7 § 75; RRS § 10833.]

Notes:

Industrial insurance: Title 51 RCW.

RCW 43.22.030 Powers and duties.

Applicable Cases

The director of labor and industries shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of workers' compensation and medical aid in this state;

(2) Have the custody of all property acquired by the state at execution sales upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs; sell and dispose of the same at private sales for the sale purchase price, and pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state.

[1994 c 164 § 4; 1987 c 185 § 16; 1965 c 8 § 43.22.030. Prior: 1921 c 7 § 78, part; RRS § 10836, part.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

Workers' compensation: Title 51 RCW.

RCW 43.22.040 Supervisor of industrial safety and health--Appointment--Authority--Personnel.

Applicable Cases

The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of industrial safety and health, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the industrial safety and health work of the department.

[1994 c 164 § 5; 1973 1st ex.s. c 52 § 3; 1965 c 8 § 43.22.040. Prior: 1921 c 7 § 76; RRS § 10834.]

Notes:

Effective date--1973 1st ex.s. c 52: See note following RCW 43.22.010.

Administrative expenses: RCW 51.16.105.

RCW 43.22.050 Powers and duties.

Applicable Cases

The director of labor and industries shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51 RCW, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: PROVIDED, HOWEVER, This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof.

[1994 c 164 § 6; 1973 1st ex.s. c 52 § 4; 1971 ex.s. c 239 § 9; 1965 c 8 § 43.22.050. Prior: 1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]

Notes:

Effective date--1973 1st ex.s. c 52: See note following RCW 43.22.010.

Severability--1971 ex.s. c 239: See RCW 70.62.900.

Boilers and steam vessels: Chapter 70.79 RCW.

Electrical apparatus: Chapters 19.28, 19.29 RCW.

Elevators, escalators and dumbwaiters: Chapter 70.87 RCW.

Industrial safety and health: Chapter 49.17 RCW.

RCW 43.22.051 Rule making restricted.

Applicable Cases

For rules adopted after July 27, 1997, the director of the department of labor and industries may not rely solely on a statute's statement of intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of those provisions, for statutory authority to adopt any rule. This section does not apply to rules adopted under chapter 39.12 RCW.

[1997 c 409 § 103.]

Notes:

Part headings--1997 c 409: "Part headings used in this act do not constitute any part of the law." [1997 c 409 § 607.]

Severability--1997 c 409: "If any provision of this act or its application to any person or circumstance is

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 409 § 609.]

RCW 43.22.053 Supervisor of building and construction safety inspection services--Appointment--Authority--Personnel.

Applicable Cases

The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of building and construction safety inspection services, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on building and construction safety inspection services subject to the provisions of chapter 41.06 RCW.

[1994 c 164 § 7; 1969 ex.s. c 32 § 3.]

RCW 43.22.260 Supervisor of industrial relations--Appointment--Authority--Personnel.

Applicable Cases

The director of labor and industries shall appoint and deputize an assistant, to be known as the supervisor of industrial relations, who shall have authority to perform those duties delegated by the director and by statute.

The director may appoint an assistant to be known as the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ experts, clerks, and other assistants as may be necessary to carry on the industrial relations work of the department.

[1994 c 164 § 10; 1975 1st ex.s. c 296 § 31; 1973 2nd ex.s. c 16 § 11; 1973 1st ex.s. c 154 § 82; 1965 c 8 § 43.22.260. Prior: 1921 c 7 § 77; RRS § 10835.]

Notes:

Effective date--1975 1st ex.s. c 296: See RCW 41.58.901.

Severability--1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 43.22.270 Powers and duties.

Applicable Cases

The director of labor and industries shall have the power, and it shall be the director's duty:

(1) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(2) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(3) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or

division of the state government having need of industrial statistics;

(4) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(5) To exercise all the powers and perform all the duties, not specifically assigned to the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(6) To exercise such other powers and perform such other duties as may be provided by law.

[1994 c 164 § 11; 1977 c 75 § 48; 1975 1st ex.s. c 296 § 32; 1973 2nd ex.s. c 16 § 12; 1973 1st ex.s. c 154 § 83; 1965 c 8 § 43.22.270. Prior: 1921 c 7 § 81; RRS 10839.]

Notes:

Effective date--1975 1st ex.s. c 296: See RCW 41.58.901.

Severability--1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Apprenticeships: Chapter 49.04 RCW.

Arbitration of disputes: Chapter 49.08 RCW.

Public employees' collective bargaining, arbitration of disputes: RCW 41.56.100.

Public employment labor relations: Chapter 41.58 RCW.

Wage collection for aggrieved employees: RCW 49.48.040.

RCW 43.22.282 Industrial welfare committee abolished--Transfer of powers, duties, and functions.

Applicable Cases

The industrial welfare committee established by this chapter is abolished. All powers, duties, and functions of the committee are transferred to the director of labor and industries.

[1982 c 163 § 16.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

RCW 43.22.290 Reports by employers.

Applicable Cases

Every owner, operator, or manager of a factory, workshop, mill, mine, or other establishment where labor is employed, shall make to the department, upon blanks furnished by it, such reports and returns as the department may require, for the purpose of compiling such labor statistics as are authorized by this chapter, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the director, and shall certify to the correctness thereof.

In the reports of the department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer,

agent, or employee of the department violating this provision shall be fined a sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

[1965 c 8 § 43.22.290. Prior: 1901 c 74 § 3; RRS § 7588.]

RCW 43.22.300 Compelling attendance of witnesses and testimony--Penalty.

Applicable Cases

The director may issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required, such testimony to be taken in some suitable place in the vicinity to which testimony is applicable.

Witnesses subpoenaed and testifying before any officer of the department shall be paid the same fees as witnesses before a superior court, such payment to be made from the funds of the department.

Any person duly subpoenaed under the provisions of this section who wilfully neglects or refuses to attend or testify at the time and place named in the subpoena, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

[1965 c 8 § 43.22.300. Prior: 1901 c 74 § 4; RRS § 7589.]

RCW 43.22.310 Access to plants--Penalty for refusal.

Applicable Cases

The director or any employee of the department of labor and industries may enter any factory, mill, office, workshop, or public or private works at any time for the purpose of gathering facts and statistics as provided by this chapter, and examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places and make a record thereof, and any owner or occupant of such factory, mill, office or workshop, or public or private works, or his agent who refuses to allow an inspector or employee of the department to enter, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days.

[1965 c 8 § 43.22.310. Prior: 1901 c 74 § 5; RRS § 7590.]

RCW 43.22.330 Annual report.

Applicable Cases

The director of labor and industries shall submit to the governor each year a report of business transacted by the department during the preceding fiscal year together with such statistics and information as the governor deems of public interest and such recommendations as the director believes merit consideration in the interest of improved administration.

[1977 c 75 § 49; 1965 c 8 § 43.22.330. Prior: (i) 1901 c 74 § 2; RRS § 7587. (ii) 1901 c 74 § 7; RRS § 7592.]

RCW 43.22.331 Annual report on workers' compensation fraud.

Applicable Cases

The department shall annually compile a comprehensive report on workers' compensation fraud in Washington. The report shall include the department's activities related to the prevention, detection, and prosecution of worker, employer, and provider fraud and the cost of such activities, as well as the actual and estimated cost savings of such activities. The report shall be submitted to the appropriate committees of the legislature prior to the start of the legislative session in January.

[1995 c 160 § 7.]

RCW 43.22.335 Mobile homes, recreational or commercial vehicles--Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.22.340 through 43.22.420.

(1) "Park trailer" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers.

(2) "Recreational vehicle" means a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes.

(3) "Conversion vendor units" means a motor vehicle or recreational vehicle that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be less than eight feet six inches wide in the set-up position and the inside working area must be less than forty feet in length.

(4) "Medical unit" means a self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles.

[1999 c 22 § 1; 1995 c 280 § 1.]

RCW 43.22.340 Mobile homes, recreational or commercial vehicles--Safety rules--Compliance.

Applicable Cases

(1) The director shall adopt specific rules for conversion vending units and medical units. The rules for conversion vending units and medical units shall be established to protect the occupants from fire; to address other life safety issues; and to ensure that the design and construction are capable of supporting any concentrated load of five hundred pounds or more.

(2) The director of labor and industries shall adopt rules governing safety of body and frame design, and the installation of plumbing, heating, and electrical equipment in mobile homes, commercial coaches, recreational vehicles, and/or park trailers: PROVIDED, That the director shall not prescribe or enforce rules governing the body and frame design of recreational vehicles and park trailers until after the American National Standards Institute shall have published standards and specifications upon this subject. The rules shall be reasonably consistent

with recognized and accepted principles of safety for body and frame design and plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe body and frame design, construction, plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American National Standards Institute standards A119.1 for mobile homes and commercial coaches, A119.2 for recreational vehicles, and A119.5 for park trailers.

(3) It shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured after January 1, 1968, containing plumbing, heating, electrical, or other equipment, and after July 1, 1970 body and frame design or construction unless such equipment meets the requirements of the rules provided for in this section.

[1999 c 22 § 2; 1995 c 280 § 2; 1970 ex.s. c 27 § 1; 1969 ex.s. c 229 § 1; 1967 c 157 § 1.]

RCW 43.22.345 Mobile homes, recreational or commercial vehicles--Penalty.

Applicable Cases

Any person violating the provisions of RCW 43.22.340 shall be guilty of a misdemeanor. Each day upon which a violation occurs shall constitute a separate violation.

[1995 c 280 § 3; 1969 ex.s. c 229 § 4.]

RCW 43.22.350 Mobile homes, recreational or commercial vehicles--Compliance insignia--Fee schedule--Out-of-state sales.

Applicable Cases

(1) In compliance with any applicable provisions of this chapter, the director of the department of labor and industries shall establish a schedule of fees, whether on the basis of plan approval or inspection, for the issuance of an insigne which indicates that the mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer complies with the provisions of RCW 43.22.340 through 43.22.410 or for any other purpose specifically authorized by any applicable provision of this chapter.

(2) Insignia are not required on mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured within this state for sale outside this state which are sold to persons outside this state.

[1999 c 22 § 3; 1995 c 280 § 4; 1977 ex.s. c 21 § 6; 1970 ex.s. c 27 § 2; 1967 c 157 § 2.]

Notes:

Construction--1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.355 Mobile homes, recreational or commercial vehicles--Self-certification for recreational vehicles and park trailers--Procedures--Performance audit of quality control programs.

Applicable Cases

The director or the director's authorized representative may allow qualifying recreational

vehicle and/or park trailer manufacturers to be self-certified as to compliance with the American National Standards Institute A119.2 standard for recreational vehicles and the American National Standards Institute A119.5 standard for park trailers. Except as provided in subsection (4) of this section, a manufacturer approved for the department's self-certification is exempt from the requirements under RCW 43.22.434 and 43.22.360. The director shall adopt rules to implement the self-certification program. The director may establish fees at a sufficient level to cover the costs of administering this program.

(1) Before a manufacturer becomes self-certified, the department shall make an initial audit of the manufacturer making self-certification application. The audit must review and report on the following:

(a) The manufacturer's quality control program;

(b) The manufacturer's demonstrated ability to manufacture products in conformance with either or both of the American National Standards Institute standards A119.2 and A119.5; and

(c) The availability on site of comprehensive plans for each model being manufactured.

(2) At the sole discretion of the director, a manufacturer currently being audited by the department that is deemed to meet the criteria for an initial self-certification audit may become a self-certified manufacturer without an additional self-certification audit.

(3) If the department denies an application to allow a manufacturer to be self-certified, the manufacturer shall be notified in writing including the reasons for denial. A copy of the initial self-certification audit shall be provided to the manufacturer. A manufacturer who is denied self-certification may appeal the denial under chapter 34.05 RCW.

(4) If the department has reason to believe that the manufacturer is no longer meeting the criteria established in subsection (1) of this section, the department may make an audit of the manufacturer. For purposes of enforcement of this subsection, the department retains inspection and investigation authority under RCW 43.22.434. At the conclusion of this audit, the director or the director's authorized representative may continue the manufacturer's self-certification or require the manufacturer to meet all of the requirements of this chapter from which the manufacturer was once exempted.

(5) The manufacturer to whom the authorization is given shall pay all of the costs of the initial self-certification audit and any subsequent audit that the department has the authority to perform.

(6) The department shall conduct a performance audit of additional industry association quality control programs utilized by self-certified manufacturers at least once every two years.

[1995 c 280 § 6.]

RCW 43.22.360 Mobile homes, recreational or commercial vehicles--Plans and specifications--Approval--Alterations--Rules.

Applicable Cases

(1) Plans and specifications of each model or production prototype of a mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer showing body and frame design, construction, plumbing, heating and electrical

specifications and data shall be submitted to the department of labor and industries for approval and recommendations with respect to compliance with the rules and standards of each of such agencies. When plans have been submitted and approved as required, no changes or alterations shall be made to body and frame design, construction, plumbing, heating or electrical installations or specifications shown thereon in any mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, or park trailer without prior written approval of the department of labor and industries.

(2) The director may adopt rules that provide for approval of a plan that is certified as meeting state requirements or the equivalent by a professional who is licensed or certified in a state whose licensure or certification requirements meet or exceed Washington requirements.

[1999 c 22 § 4. Prior: 1995 c 289 § 1; 1995 c 280 § 7; 1970 ex.s. c 27 § 3; 1967 c 157 § 3.]

RCW 43.22.370 Mobile homes, recreational or commercial vehicles--Leased, sold, or manufactured in state prior to July 1, 1968--Compliance not required--Exception.

Applicable Cases

Any mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer leased or sold in Washington and manufactured prior to July 1, 1968, which has not been inspected prior to its sale and which does not meet the requirements prescribed will not be required to comply with those requirements except for alterations or installations referred to in RCW 43.22.360.

[1999 c 22 § 5; 1995 c 280 § 8; 1970 ex.s. c 27 § 4; 1969 ex.s. c 229 § 2; 1967 c 157 § 4.]

RCW 43.22.380 Mobile homes, recreational or commercial vehicles--Manufactured for use outside state--Compliance not required--Exception.

Applicable Cases

Used mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers manufactured for use outside this state which do not meet the requirements prescribed and have been used for six months or more will not be required to comply with those requirements except for alterations or installations referred to in RCW 43.22.360.

[1999 c 22 § 6; 1995 c 280 § 9; 1970 ex.s. c 27 § 5; 1967 c 157 § 5.]

RCW 43.22.390 Mobile homes, recreational or commercial vehicles--Insigne of approval, when required.

Applicable Cases

Mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers subject to the provisions of RCW 43.22.340 through 43.22.410, and mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers upon which alterations of body and frame design, construction or installations of plumbing, heating or electrical equipment referred to in RCW 43.22.360 are made after July 1, 1968, shall have affixed thereto such insigne of approval.

[1999 c 22 § 7; 1995 c 280 § 10; 1970 ex.s. c 27 § 6; 1967 c 157 § 6.]

RCW 43.22.400 Mobile homes, recreational or commercial vehicles--Meeting standards of other states at least equal to this state.

Applicable Cases

If the director of the department of labor and industries determines that the standards for body and frame design, construction and the plumbing, heating and electrical equipment installed in mobile homes, commercial coaches, recreational vehicles, and/or park trailers by the statutes or rules and regulations of other states are at least equal to the standards prescribed by this state, he may so provide by regulation. Any mobile home, commercial coach, recreational vehicle, and/or park trailer which a state listed in such regulations has approved as meeting its standards for body and frame design, construction and plumbing, heating and electrical equipment shall be deemed to meet the standards of the director of the department of labor and industries, if he determines that the standards of such state are actually being enforced.

[1995 c 280 § 11; 1970 ex.s. c 27 § 7; 1967 c 157 § 7.]

RCW 43.22.410 Mobile homes, recreational or commercial vehicles--Meeting requirements of chapter deemed compliance with county or city ordinances.

Applicable Cases

Any mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and/or park trailer that meets the requirements prescribed under RCW 43.22.340 shall not be required to comply with any ordinances of a city or county prescribing requirements for body and frame design, construction or plumbing, heating and electrical equipment installed in mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and/or park trailers.

[1999 c 22 § 8; 1995 c 280 § 12; 1970 ex.s. c 27 § 8; 1967 c 157 § 8.]

RCW 43.22.420 Factory assembled structures advisory board.

Applicable Cases

There is hereby created a factory assembled structures advisory board consisting of nine members to be appointed by the director of labor and industries. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules pertaining to the manufacture of factory assembled structures, mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers. The advisory board shall periodically review the rules adopted under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the advisory board shall be representative of consumers, the regulated industries, and allied professionals. The term of each member shall be four years. However, the

director may appoint the initial members of the advisory board to staggered terms not exceeding four years.

The chief inspector or any person acting as chief inspector for the factory assembled structures, mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, and park trailer section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries, but at least quarterly. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries or his or her designee.

[1999 c 22 § 9; 1995 c 280 § 13; 1987 c 330 § 601; 1975-'76 2nd ex.s. c 34 § 103; 1971 ex.s. c 82 § 1; 1970 ex.s. c 27 § 9; 1969 ex.s. c 229 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.22.430 RCW 43.22.340 and 43.22.350 through 43.22.420 not to apply to common carrier equipment.

Applicable Cases

RCW 43.22.340 and 43.22.350 through 43.22.420 shall not apply to common carrier equipment.

[1970 ex.s. c 27 § 10.]

RCW 43.22.431 Mobile home safety and construction standards--Enforcement by director of labor and industries authorized.

Applicable Cases

The director of the department of labor and industries may enforce mobile home safety and construction standards adopted by the secretary of housing and urban development under the National Mobile Home Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the National Mobile Home Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

[1977 ex.s. c 21 § 1.]

Notes:

Construction--1977 ex.s. c 21: "This 1977 amendatory act is not intended to repeal, alter, or diminish existing state law respecting mobile homes, commercial coaches, and recreational vehicles in those areas unregulated under federal law." [1977 ex.s. c 21 § 4.]

RCW 43.22.432 Mobile home construction and safety standards and regulations--Federal--Adoption by state--Procedure.

Applicable Cases

The department may adopt all standards and regulations adopted by the secretary under the National Mobile Home Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for mobile home construction and safety standards. If any deletions or amendments to the federal standards or regulations are thereafter made and notice thereof is given to the department, the standards or regulations shall be considered automatically adopted by the state under this chapter after the expiration of thirty days from publication in the federal register of a final order describing the deletions or amendments unless within that thirty day period the department objects to the deletion or amendment. In case of objection, the department shall proceed under the rule making procedure of chapter 34.05 RCW.

[1977 ex.s. c 21 § 2.]

Notes:

Construction--1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.433 Violations--Penalties.

Applicable Cases

Any person who violates any of the provisions of RCW 43.22.431 through 43.22.434 and 43.22.350 or any rules or regulations adopted pursuant to RCW 43.22.431 through 43.22.434 and 43.22.350 is guilty of a gross misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

[1977 ex.s. c 21 § 3.]

Notes:

Construction--1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.434 Inspections and investigations necessary to adopt or enforce mobile home, commercial coach, vending unit, medical unit, recreational vehicle, park trailer, factory built housing, and factory built structure rules--Director's duties--Fees.

Applicable Cases

(1) The director or the director's authorized representative may conduct such inspections, investigations, and audits as may be necessary to adopt or enforce mobile home, commercial coach, conversion vending units, medical units, recreational vehicle, park trailer, factory built housing, and factory built commercial structure rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.

(2) For purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge may:

(a) At reasonable times and without advance notice enter any factory, warehouse, or establishment in which mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, park trailers, factory built housing, and factory built commercial structures are manufactured, stored, or held for sale;

(b) At reasonable times, within reasonable limits, and in a reasonable manner inspect any

factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the National Mobile Home Construction and Safety Standards Act of 1974. Each inspection shall be commenced and completed with reasonable promptness; and

(c) As requested by an owner of a conversion vending unit or medical unit, inspect an alteration.

(3) The department shall set a schedule of fees by rule which will cover the costs incurred by the department in the administration of RCW 43.22.335 through 43.22.490.

[1999 c 22 § 10; 1995 c 280 § 5; 1977 ex.s. c 21 § 5.]

Notes:

Construction--1977 ex.s. c 21: See note following RCW 43.22.431.

RCW 43.22.440 Mobile home installation service and warranty service standards--Enforcement.

Applicable Cases

(1) The legislature finds that inspections of mobile home installation are not done on a consistent basis. Mobile homes provide housing for many people in the state, and improperly installed mobile homes are a serious health and safety risk. Where possible and practical, mobile homes should be treated the same as any housing inhabited or to be inhabited by persons in this state, including housing built according to the state building code.

(2) In consultation with the factory assembled structures advisory board for mobile homes, the director of labor and industries shall by rule establish uniform standards for the performance and workmanship of installation service and warranty service by persons or entities engaged in performing the services within this state for all mobile homes, as defined in RCW 46.04.302. The standards shall conform, where applicable, with statutes, rules, and recommendations established under the federal national mobile home construction and safety standards act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the installation of mobile homes shall be enforced and fees charged by the counties and cities in the same manner the state building code is enforced under RCW 19.27.050.

(3) In addition to and in conjunction with the remedies provided in this chapter, failure to remedy any breach of the standards and rules so established, upon adequate notice and within a reasonable time, is a violation of the consumer protection act, chapter 19.86 RCW and subject to the remedies provided in that chapter.

[1988 c 239 § 5; 1980 c 153 § 1.]

RCW 43.22.442 Requirement of timely compensation by mobile home manufacturer to representative for warranty service performed.

Applicable Cases

A manufacturer of mobile homes who designates a representative within this state to provide consumers with warranty service for mobile homes on behalf of the manufacturer shall make reasonable and timely compensation to the representative for performance of the warranty

service.

[1980 c 153 § 2.]

RCW 43.22.445 Mobile homes--Warranties and inspections--Advertising of dimensions.

Applicable Cases

See RCW 46.70.135.

RCW 43.22.450 Factory built housing and commercial structures, regulating installation of--Definitions.

Applicable Cases

Whenever used in RCW 43.22.450 through 43.22.490:

- (1) "Department" means the Washington state department of labor and industries;
- (2) "Approved" means approved by the department;
- (3) "Factory built housing" means any structure designed primarily for human occupancy other than a mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;
- (4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;
- (5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;
- (6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;
- (7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes.

[1973 1st ex.s. c 22 § 1; 1970 ex.s. c 44 § 1.]

RCW 43.22.455 Factory built housing and commercial structures, regulating installation of--Housing must be approved, have department insignia--Significance of insignia--Modification of housing during installation must be approved.

Applicable Cases

No factory built housing or factory built commercial structure shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to RCW 43.22.480 unless it is approved and bears the insignia of approval of the department.

- (1) Any factory built housing or factory built commercial structure bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory built housing or factory built commercial structures or on-site housing.
- (2) No factory built housing or factory built commercial structure which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department.

[1973 1st ex.s. c 22 § 2; 1970 ex.s. c 44 § 2.]

RCW 43.22.460 Factory built housing and commercial structures, regulating installation of--Certain requirements reserved to local jurisdictions.

Applicable Cases

Local land use requirements, building setbacks, side and rear yard requirements, site development and property line requirements, and review and regulation of zoning requirements are specifically reserved to local jurisdictions notwithstanding anything contained in RCW 43.22.450 through 43.22.490.

[1970 ex.s. c 44 § 3.]

RCW 43.22.465 Factory built housing and commercial structures, regulating installation of--Injunctive process, procedure.

Applicable Cases

The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing or factory built commercial structures on any building site upon affidavit of the department that such factory built housing or factory built commercial structures do not conform to the requirements of RCW 43.22.450 through 43.22.490 or to the rules adopted pursuant to RCW 43.22.450 through 43.22.490. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

[1973 1st ex.s. c 22 § 3; 1970 ex.s. c 44 § 4.]

RCW 43.22.470 Factory built housing and commercial structures, regulating installation of--Delegation of inspection duty to local agency.

Applicable Cases

The department shall have the authority to delegate all or part of its duties of inspection to a local enforcement agency.

[1970 ex.s. c 44 § 5.]

RCW 43.22.480 Factory built housing and commercial structures, installation--Rules--Enforcement--Standards--Fees.

Applicable Cases

(1) The department shall adopt and enforce rules that protect the health, safety, and property of the people of this state by assuring that all factory built housing or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. The rules shall be reasonably consistent with recognized and accepted principles of safety and structural soundness, and in adopting the rules the department shall consider, so far as practicable, the standards and specifications contained in the uniform building, plumbing, and mechanical codes, including the barrier free code and the Washington energy code as adopted by the state building code council pursuant to chapter 19.27A RCW, and the national electrical code, including the state rules as adopted pursuant to

chapter 19.28 RCW and published by the national fire protection association or, when applicable, the temporary worker building code adopted under RCW 70.114A.081.

(2) The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490.

(3) The director may adopt rules that provide for approval of a plan that is certified as meeting state requirements or the equivalent by a professional who is licensed or certified in a state whose licensure or certification requirements meet or exceed Washington requirements.

[1998 c 37 § 4; 1995 c 289 § 2; 1989 c 134 § 1; 1979 ex.s. c 76 § 2; 1973 1st ex.s. c 22 § 5; 1970 ex.s. c 44 § 7.]

RCW 43.22.485 Factory built housing and commercial structures, regulating installation of--Recognizing out-of-state standards, enforcement, as department approved.

Applicable Cases

If the director of the department determines that the standards for factory built housing or factory built commercial structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under RCW 43.22.450 through 43.22.490, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing or factory built commercial structures approved by such other state shall be deemed to have been approved by the department.

[1973 1st ex.s. c 22 § 6; 1970 ex.s. c 44 § 8.]

RCW 43.22.490 Factory built housing and commercial structures, regulating installation of--Violation as misdemeanor--Penalty.

Applicable Cases

Any person who violates any of the provisions of RCW 43.22.450 through 43.22.490 or any rules or regulations adopted pursuant to RCW 43.22.450 through 43.22.490 is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

[1970 ex.s. c 44 § 9.]

RCW 43.22.495 Manufactured housing--Department of community, trade, and economic development duties.

Applicable Cases

Beginning on July 1, 1991, the department of community, trade, and economic development shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of community, trade, and economic development may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any

interagency agreements which are necessary for the efficient provision of services.

The directors of the department of community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that chapter 176, Laws of 1990 is implemented on June 7, 1990.

[1995 c 399 § 69; 1990 c 176 § 1.]

Notes:

Department of community, trade, and economic development duties: RCW 43.63A.460.

RCW 43.22.500 Printing and distribution of publications--Fees.

Applicable Cases

The department of labor and industries, to defray the costs of printing, reprinting, or distributing printed matter issued by the department of labor and industries including, but not limited to, the matters listed in RCW 43.22.505, may charge a fee for such publications in an amount which will reimburse the department for the costs of printing, reprinting, and distributing such publications: PROVIDED, That every person subject to regulation by the department may upon request receive without charge one copy per year of any publication printed pursuant to RCW 43.22.505 whenever such person is affected by any statute, rule or regulation printed therein. All fees collected shall be deposited in the state treasury to the credit of the appropriate fund or account.

[1979 ex.s. c 67 § 2; 1975 1st ex.s. c 123 § 1.]

Notes:

Severability--1979 ex.s. c 67: See note following RCW 19.28.330.

RCW 43.22.505 Printing and distribution of publications--Authorized subject matters.

Applicable Cases

The department of labor and industries is specifically authorized to print, reprint, and distribute subject matter including but not limited to the following:

- (1) The provisions of Title 51 RCW;
- (2) The provisions of Title 49 RCW;
- (3) The provisions of chapter 7.68 RCW;
- (4) The provisions of chapter 88.16 RCW;
- (5) The provisions of chapter 19.28 RCW;
- (6) The provisions of chapter 43.22 RCW;
- (7) The provisions of chapter 41.56 RCW;
- (8) The provisions of chapter 49.66 RCW;
- (9) The provisions of chapter 70.79 RCW;
- (10) The provisions of chapter 70.74 RCW;
- (11) The provisions of chapter 70.87 RCW;

(12) The provisions of all other statutes administered by the department or such statutes as have a relationship to the functions and obligations of the department; and

(13) The rules and regulations of the department of labor and industries, the state apprenticeship council, the state board of pilotage commissioners and the board of boiler rules promulgated pursuant to the statutory provisions cited above.

[1975 1st ex.s. c 123 § 2.]

RCW 43.22.550 Contract to issue conditional federal employer identification numbers, credentials, and documents in conjunction with license applications.

Applicable Cases

The director may contract with the federal internal revenue service, or other appropriate federal agency, to issue conditional federal employer identification numbers, or other federal credentials or documents, at specified offices and locations of the agency in conjunction with any application for state licenses under chapter 19.02 RCW.

[1997 c 51 § 4.]

Notes:

Intent--1997 c 51: See note following RCW 19.02.300.

**Chapter 43.23 RCW
DEPARTMENT OF AGRICULTURE**

RCW

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RCW 43.23.001 Definitions.

Applicable Cases

For purposes of this chapter:

(1) "Department" means department of agriculture;

(2) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

[1995 c 374 § 61.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.23.002 Director--Appointment--Powers and duties--Salary.

Applicable Cases

The executive and administrative head of the department of agriculture shall be the director. The director shall be appointed by the governor with the consent of the senate and shall have complete charge of and supervisory power over the department. The director shall be paid a salary fixed by the governor in accordance with RCW 43.03.040.

[1983 c 248 § 1.]

RCW 43.23.005 Deputy director--Appointment--Powers and duties.

Applicable Cases

The director of agriculture may appoint a deputy director who shall assist the director in the administration of the affairs of the department and who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director

is appointed and qualified, or the governor appoints an acting director.

[1983 c 248 § 2; 1967 c 240 § 14.]

RCW 43.23.010 Divisions of department--Assistant directors--State veterinarian--Salaries--Assignment of duties.

Applicable Cases

In order to obtain maximum efficiency and effectiveness within the department of agriculture, the director may create such administrative divisions within the department as he or she deems necessary. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The director shall appoint no more than eight assistant directors. The officers appointed under this section are exempt from the provisions of the state civil service law as provided in *RCW 41.06.070(7), and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law. The director shall also appoint and deputize a state veterinarian who shall be an experienced veterinarian properly licensed to practice veterinary medicine in this state.

The director of agriculture shall have charge and general supervision of the department and may assign supervisory and administrative duties other than those specified in RCW 43.23.070 to the division which in his or her judgment can most efficiently carry on those functions.

[1990 c 37 § 1; 1983 c 248 § 3; 1967 c 240 § 1; 1965 c 8 § 43.23.010. Prior: 1951 c 170 § 1; 1921 c 7 § 83; RRS § 10841.]

Notes:

***Reviser's note:** RCW 41.06.070 was amended by 1993 c 281 § 21, changing subsection (7) to subsection (1)(g).

Severability--1967 c 240: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 c 240 § 52.] For codification of 1967 c 240, see Codification Tables, Volume 0.

Apiary advisory committee: RCW 15.60.010.

RCW 43.23.015 Divisions of department--Reassignment of division functions.

Applicable Cases

Except for the functions specified in RCW 43.23.070, the director may, at his discretion, reassign any of the functions delegated to the various divisions of the department under the provisions of this chapter or any other law to any other division of the department.

[1983 c 248 § 4; 1967 c 240 § 15.]

RCW 43.23.025 Rule-making authority.

Applicable Cases

For rules adopted after July 23, 1995, the director of agriculture may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute

establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

[1995 c 403 § 104.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.23.030 Powers and duties.

Applicable Cases

The director of agriculture shall exercise all the powers and perform all the duties relating to the development of markets, for agricultural products, state and federal cooperative marketing programs, land utilization for agricultural purposes, water resources, transportation, and farm labor as such matters relate to the production, distribution and sale of agricultural commodities including private sector cultured aquatic products as defined in RCW 15.85.020.

[1985 c 457 § 15; 1983 c 248 § 5; 1967 c 240 § 3; 1965 c 8 § 43.23.030. Prior: (i) 1921 c 7 § 90; RRS § 10848. (ii) 1937 c 90 § 10; RRS § 10847-1.]

Notes:

Fair commission: Chapter 15.76 RCW.

Farm marketing: Chapters 15.64, 15.65, 15.66 RCW.

RCW 43.23.035 Powers and duties--State agricultural market development programs and activities.

Applicable Cases

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

(5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

(6) To encourage and promote the establishment and use of public markets in this state

for the sale of Washington's agricultural products;

(7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

(8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

(9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

(10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

(13) To develop a coordinated marketing program with the department of community, trade, and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

[1995 c 399 § 70; 1986 c 202 § 1; 1985 c 159 § 3.]

Notes:

Severability--1986 c 202: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 202 § 7.]

Legislative declaration and intent--1985 c 159: "The legislature declares that:

(1) Marketing is a dynamic and changing part of Washington agriculture and a vital element in expanding the state economy.

(2) The export of agricultural products produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, provides an important stabilizing effect on prices received by agricultural producers, and contributes to the United States balance of trade.

(3) State government should play a significant role in the development and expansion of markets for Washington grown and processed agricultural and food products.

(4) In order for state government to serve the best interests of agriculture in the area of market development, the role of state government in this area must be clearly defined.

(5) The department of agriculture, the department of commerce and economic development, and the IMPACT center at Washington State University, each possesses its own unique body of knowledge, expertise, and relationships that, when combined and applied in a logical and cooperative manner, will benefit the agricultural industry and the overall state economy and will provide a powerful force to seek aggressively new domestic and international markets for Washington's agricultural products.

It is the intent of the legislature to establish an organized agricultural market development function within state government with clearly defined areas of responsibility which will be responsive to the state's agricultural and food products industries' needs, without duplicating established private sector marketing efforts." [1985 c 159 § 1.]

RCW 43.23.037 Publishing and dissemination costs--Deposit of proceeds.

Applicable Cases

The director may collect moneys to recover the reasonable costs of publishing and disseminating informational materials by the department. Materials may be disseminated in printed or electronic format. All moneys collected shall be deposited in the agricultural local fund or other appropriate fund administered by the director.

[1997 c 303 § 5.]

Notes:

Findings--1997 c 303: See note following RCW 43.135.055.

RCW 43.23.050 Powers and duties.

Applicable Cases

The director of agriculture shall:

(1) Exercise all the powers and perform all the duties prescribed by law relating to horticulture, and horticultural plants and products;

(2) Enforce and supervise the administration of all laws relating to horticulture, horticultural products, and horticultural interests.

[1983 c 248 § 6; 1967 c 240 § 5; 1965 c 8 § 43.23.050. Prior: 1921 c 7 § 91; RRS § 10849.]

Notes:

Horticultural

pests and diseases: Chapter 15.08 RCW.

plants and facilities: Chapter 15.13 RCW.

RCW 43.23.070 Powers and duties of state veterinarian.

Applicable Cases

The state veterinarian shall exercise all the powers and perform all duties prescribed by law relating to diseases among animals and the quarantine and destruction of diseased animals.

The state veterinarian shall enforce and supervise the administration of all laws relating to meat inspection, the prevention, detection, control and eradication of diseases of animals, and all other matters relative to the diseases of livestock and their effect upon the public health.

[1998 c 8 § 20; 1983 c 248 § 7; 1967 c 240 § 7; 1965 c 8 § 43.23.070. Prior: 1943 c 56 § 1; 1921 c 7 § 92; Rem. Supp. 1943 § 10850.]

Notes:

Animal health: Chapter 16.36 RCW.

Dairies and dairy products: Chapter 15.36 RCW.

Diseased animals: Chapter 16.36 RCW.

RCW 43.23.090 Powers and duties.

Applicable Cases

The director of agriculture shall exercise all powers and perform all duties prescribed by

law with respect to the inspection of foods, food products, drinks, milk and milk products, and dairies and dairy products and the components thereof.

He shall enforce and supervise the administration of all laws relating to foods, food products, drinks, milk and milk products, dairies and dairy products, and their inspection, manufacture, and sale.

[1983 c 248 § 8; 1967 c 240 § 9; 1965 c 8 § 43.23.090. Prior: 1921 c 7 § 93; RRS § 10851.]

Notes:

Commercial feed law: Chapter 15.53 RCW.

Eggs and egg products: Chapter 69.25 RCW.

Food, drugs and cosmetics: Chapter 69.04 RCW.

Honey: Chapter 69.28 RCW.

Weighing commodities in highway transport: Chapter 15.80 RCW.

Weights and measures: Chapter 19.94 RCW.

RCW 43.23.110 Powers and duties.

Applicable Cases

The director of agriculture shall exercise all powers and perform all duties prescribed by law with respect to grains, grain and hay products, grain and terminal warehouses, commercial feeds, commercial fertilizers, and chemical pesticides.

He shall enforce and supervise the administration of all laws relating to grains, grain and hay products, grain and terminal warehouses, commercial feeds, commercial fertilizers, and chemical pesticides.

[1983 c 248 § 9; 1967 c 240 § 11; 1965 c 8 § 43.23.110. Prior: 1921 c 7 § 94; RRS § 10852.]

Notes:

Commercial fertilizers: Chapter 15.54 RCW.

Grain and terminal warehouses: Chapter 22.09 RCW.

Quarantine: Chapter 17.24 RCW.

Seeds: Chapter 15.49 RCW.

Weeds: Chapters 17.04, 17.06, 17.08 RCW.

RCW 43.23.120 Bulletins and reports.

Applicable Cases

The director of agriculture may publish and distribute bulletins and reports embodying information upon the subjects of agriculture, horticulture, livestock, dairying, foods and drugs, and other matters pertaining to his department.

[1977 c 75 § 50; 1965 c 8 § 43.23.120. Prior: (i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]

RCW 43.23.130 Annual report.

Applicable Cases

The director of agriculture shall make an annual report to the governor containing an account of all matters pertaining to his department and its administration.

[1977 c 75 § 51; 1965 c 8 § 43.23.130. Prior: (i) 1919 c 126 § 1, part; 1913 c 60 § 6, part; RRS § 2724, part. (ii) 1921 c 7 § 89, part; RRS § 10847, part.]

RCW 43.23.160 Powers and duties.

Applicable Cases

The director of agriculture shall exercise all the powers and perform all the duties prescribed by law relating to commission merchants, livestock identification, livestock brand registration and inspection. All officers appointed to enforce these laws who have successfully completed a course of training prescribed by the Washington state criminal justice training commission shall have the authority generally vested in a peace officer solely for the purpose of enforcing these laws.

He shall enforce and supervise the administration of all laws relating to commission merchants, livestock identification and shall have the power to enforce all laws relating to any division under the supervision of the director of agriculture.

[1983 c 248 § 10; 1967 c 240 § 13. Prior: 1965 c 8 § 43.23.160; prior: 1951 c 170 § 3.]

RCW 43.23.170 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Applicable Cases

Enforcement action taken after July 23, 1995, by the director or the department of agriculture shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 623.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.23.200 Official chemists of department--Designated--Duties.

Applicable Cases

The chief chemist of the department of agriculture dairy and food laboratory and the chief chemist of the department of agriculture chemical and hop laboratory shall be the official chemists of the department of agriculture. Official chemists of the department shall provide laboratory services and analyze all substances that the director of agriculture may send to them and report to the director without unnecessary delay the results of any analysis so made. When called upon by the director, they or any of the additional chemists provided for pursuant to RCW 43.23.205 shall assist in any prosecution for the violation of any law enforced by the department.

[1987 c 393 § 14; 1981 c 297 § 27.]

Notes:

Severability--1981 c 297: See note following RCW 15.36.201.

RCW 43.23.205 Additional chemists--Appointment--Duties--Compensation.

Applicable Cases

The director of agriculture may appoint one or more competent graduate chemists to

serve as additional chemist of the department of agriculture, who may perform any of the duties required of and under the supervision of the official chemists, and whose compensation shall be fixed by the director.

[1981 c 297 § 28.]

Notes:

Severability--1981 c 297: See note following RCW 15.36.201.

RCW 43.23.220 Disposition of impounded livestock on Hanford reservation--Agreements to act as federal government's agent.

Applicable Cases

The director of agriculture may enter written agreements with one or more agencies of the United States to act as the federal government's agent for determining the disposition of livestock impounded on the federal Hanford reservation. The director's authority under such an agreement may include, but is not limited to, selling or donating, on behalf of the federal government, unclaimed livestock to a qualified person, organization, or governmental agency that the director determines to be capable of humanely transporting and caring for the livestock. The director may sell or donate such livestock only if the livestock remains unclaimed after the completion of a reasonable attempt to ascertain ownership and, if ownership is not otherwise determined, by the publication of notice that the livestock has been impounded on the reservation.

[1983 c 248 § 12.]

RCW 43.23.230 Agricultural local fund.

Applicable Cases

The agricultural local fund is hereby established in the custody of the state treasurer. The fund shall consist of such money as is directed by law for deposit in the fund, and such other money not subject to appropriation that the department authorizes to be deposited in the fund. Any money deposited in the fund, the use of which has been restricted by law, may only be expended in accordance with those restrictions. The department may make disbursements from the fund. The fund is not subject to legislative appropriation.

[1988 c 254 § 1.]

RCW 43.23.240 Senior environmental corps--Department powers and duties.

Applicable Cases

(1) The department of agriculture shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;
Apply for and accept grants or contributions for corps approved projects; and
With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 8.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.23.250 Collection of unpaid penalties, assessments, and debts--Use of collection agencies.

Applicable Cases

Except as otherwise specified by law, the director or his or her designee has the authority to retain collection agencies licensed under chapter 19.16 RCW for the purposes of collecting unpaid penalties, assessments, and other debts owed to the department.

The director or his or her designee may also collect as costs moneys paid to the collection agency as charges, or in the case of credit cards or financial instruments, such as checks returned for nonpayment, moneys paid to financial institutions.

[1995 c 374 § 62.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.23.255 Assessments levied by director--Personal debt--Costs of collecting--Civil actions authorized--Attorneys' fees.

Applicable Cases

Except as otherwise specified by law, any due and payable assessment levied under the authority of the director or his or her designee in such specified amount as may be determined by the department shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the department when payment is called for by the department. In the event any person fails to pay the department the full amount of such assessment or such other sum on or before the date due, the department may, and is hereby authorized to, add to such unpaid assessment or other sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other sum, the department may bring a civil action against such person or persons in a court of competent jurisdiction for the collections thereof, including all costs and reasonable attorneys' fees together with the above specified ten percent, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[1995 c 374 § 63.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.23.260 Interest on unpaid balances.

Applicable Cases

Except as otherwise specified by law, the department is authorized to charge interest at the rate authorized under RCW 43.17.240 for all unpaid balances for moneys owed to the department.

[1995 c 374 § 64.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.23.265 Dishonored check or negotiable instrument.

Applicable Cases

Except as otherwise specified by law, in the event a check or negotiable instrument as defined by RCW 62A.3-104 is dishonored by nonacceptance or nonpayment, the department is entitled to collect a reasonable handling fee for each instrument. If the check or instrument is not paid within fifteen days and proper notice is sent, the department is authorized to recover the assessment, the handling fee, and any other charges allowed by RCW 62A.3-515.

[1995 c 374 § 65.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.23.270 Export market development project records--Confidentiality.

Applicable Cases

Except for release of statistical information not descriptive of any readily identifiable person or persons, all financial and commercial information and records supplied by persons to the department with respect to export market development projects shall be kept confidential unless confidentiality is waived by the party supplying the information. For purposes of this section, persons include any natural person, joint venture, firm, partnership or association, private or public corporation, or governmental entity.

[1996 c 80 § 2.]

**Chapter 43.24 RCW
DEPARTMENT OF LICENSING**

RCW

- 43.24.001 Department of licensing--Creation--Director--Powers, duties, and functions--Personnel.
- 43.24.005 Director--Appointment--Salary.
- 43.24.016 Powers and duties--Generally.
- 43.24.020 Powers and duties--Licensing.

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- 43.24.023 Rule-making authority.
- 43.24.030 "License" defined.
- 43.24.040 Forms to be prescribed.
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- 43.24.065 Appointment of temporary additional members of boards and committees for administration and grading of examinations.
- 43.24.080 Issuance of licenses.
- 43.24.085 License or registration fees for businesses, occupations and professions--Policy--Maximum fees--Determination.
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- 43.24.090 Examination of handicapped persons.
- 43.24.112 Suspension of license--Noncompliance with support order--Reissuance.
- 43.24.115 Director's duties as to refusal, revocation or suspension of licenses--Performance by assistants.
- 43.24.120 Appeal--Further review.
- 43.24.125 Enforcement in accordance with RCW 43.05.100 and 43.05.110.
- 43.24.130 License moratorium for persons in service.
- 43.24.140 Extension or modification of licensing, certification, or registration period authorized--Rules and regulations, manner and content.

Notes:

Applications for licenses, discrimination to require disclosure of race or religion in: RCW 43.01.100, 43.01.110.

Corporation doing business without license, penalty: RCW 9.24.040.

Department created: RCW 46.01.020, 43.17.010.

Drivers' training schools, director's powers and duties relating to: Chapter 46.82 RCW.

Emergency management workers, licensing requirements waived during emergency: RCW 38.52.180.

For-hire vehicles, certificates and operators' permits, director's powers and duties relating to: Chapter 46.72 RCW.

Gambling commission, administrator and staff for: RCW 9.46.080.

Health, department of, functions transferred to: RCW 43.70.901.

Jury source list--Master jury list--Creation--Adoption of rules for implementation of methodology and standards by agencies: RCW 2.36.054 and 2.36.0571.

Marine recreation land act, duties: Chapter 79A.25 RCW.

Massachusetts trusts, rules and regulations by director: RCW 23.90.040.

Mobile home, travel trailer, and camper excise tax, duties of director: Chapter 82.50 RCW.

Motor vehicles

accident reports, tabulation and analysis of to be available to: RCW 46.52.060.

administration by director of licensing: RCW 46.01.030, 46.01.040.

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amateur radio operators with special license plates, director to furnish lists of: RCW 46.16.340.

annual reports to governor: RCW 46.01.290.

certified copies of departmental records relating to, department to furnish: RCW 46.01.250.

departmental records relating to, destruction of: RCW 46.01.260.

financial responsibility act, director's powers and duties under: Chapter 46.29 RCW.

general powers of director: RCW 46.01.130.

lighting and other vehicle equipment, director's powers and duties relating to: Chapter 46.37 RCW.

motor vehicle dealer's licenses, director's powers and duties relating to: Chapter 46.70 RCW.

motor vehicle excise tax, duties concerning: Chapter 82.44 RCW.

motor vehicle fuel tax, duties concerning: Chapter 82.36 RCW.

motor vehicle fund moneys distributed to: RCW 46.68.090.

motor vehicle revenue, director's powers and duties relating to: Chapter 46.68 RCW.

motor vehicle transporters' licenses, director's powers and duties relating to: Chapter 46.76 RCW.

safety responsibility act, director's powers and duties relating to: Chapter 46.29 RCW.

vehicle and operator licensing, rules for: RCW 46.01.110.

vehicle wreckers' licensing, director's powers and duties relating to: Chapter 46.80 RCW.

Oath of director: RCW 43.17.030.

Offices of department maintained at state capital: RCW 43.17.050.

Powers and duties of director: RCW 43.17.030, 43.24.020, chapter 46.01 RCW.

Rules of department: RCW 43.17.060, 46.01.110.

Seal: RCW 46.01.170.

Securities act, licensing requirements: Chapter 21.20 RCW.

Vacancies in department: RCW 43.17.020, 43.17.040.

Veterans, motor vehicle license issued free to disabled: RCW 73.04.110.

Veterans' preferences, qualifications for: RCW 73.04.090.

RCW 43.24.001 Department of licensing--Creation--Director--Powers, duties, and functions--Personnel.

Applicable Cases

See chapter 46.01 RCW.

RCW 43.24.005 Director--Appointment--Salary.

Applicable Cases

The director of licensing shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The director shall receive a salary in an amount fixed by the governor in accordance with RCW 43.03.040.

[1999 c 240 § 3.]

RCW 43.24.016 Powers and duties--Generally.

Applicable Cases

(1) The director of licensing shall supervise and administer the activities of the department of licensing and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director has the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the responsibilities of the department;

(b) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(c) Appoint a deputy director and such assistant directors, special assistants, and administrators as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary to carry out the responsibilities of the department;

(e) Delegate powers, duties, and functions as the director deems necessary for efficient

administration, but the director is responsible for the official acts of the officers and employees of the department; and

(f) Perform other duties as are necessary and consistent with law.

(3) The director may establish advisory groups as may be necessary to carry out the responsibilities of the department.

(4) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

[1999 c 240 § 4.]

RCW 43.24.020 Powers and duties--Licensing.

Applicable Cases

In addition to other powers and duties granted to the department, the director of licensing shall administer all laws with respect to the examination of applicants for, and the issuance of, licenses to persons to engage in any business, profession, trade, occupation, or activity except for health professions.

[1999 c 240 § 1; 1994 c 92 § 496; 1989 1st ex.s. c 9 § 314; 1979 c 158 § 95; 1965 c 100 § 2; 1965 c 8 § 43.24.020. Prior: (i) 1921 c 7 § 96; RRS § 10854. (ii) 1921 c 7 § 104; RRS § 10862. (iii) 1929 c 133 § 1; RRS § 5852-24.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Powers, duties and functions of director and department of licensing: Chapter 46.01 RCW.

RCW 43.24.023 Rule-making authority.

Applicable Cases

For rules adopted after July 23, 1995, the director of the department of licensing may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule, except rules defining or clarifying terms in, or procedures necessary to the implementation of, a statute.

[1995 c 403 § 107.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.24.030 "License" defined.

Applicable Cases

The word "license" shall be construed to mean and include license, certificate of

registration, certificate of qualification, certificate of competency, certificate of authority, and any other instrument, by whatever name designated, authorizing the practice of a profession or calling, the carrying on of a business or occupation, or the doing of any act required by law to be authorized by the state.

[1965 c 8 § 43.24.030. Prior: 1921 c 7 § 98; RRS § 10856.]

RCW 43.24.040 Forms to be prescribed.

Applicable Cases

The director of licensing shall prescribe the various forms of applications, certificates, and licenses required by law.

[1979 c 158 § 97; 1965 c 8 § 43.24.040. Prior: 1921 c 7 § 97; RRS § 10855.]

Notes:

Application forms--Licenses--Mention of race or religion prohibited: RCW 43.01.100, 43.01.110.

Director to prescribe forms for applications, licenses, certificates: RCW 46.01.160.

RCW 43.24.060 Examinations--Committees--Duties, compensation, travel expenses.

Applicable Cases

(1) The director of licensing shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of licensing, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of licensing lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and travel expenses, in accordance with RCW 43.03.050 and 43.03.060.

(2) The director of licensing may appoint advisory committees to advise the department regarding the preparation of examinations for professional licensing and such other specific aspects of regulating the professions within the jurisdiction of the department as the director may designate. Such a committee and its members shall serve at the pleasure of the director.

Each member of an advisory committee shall be compensated in accordance with RCW 43.03.240 and shall receive reimbursement for travel expenses incurred in attending meetings of the committee in accordance with RCW 43.03.050 and 43.03.060.

[1984 c 287 § 78; 1982 c 227 § 15; 1979 c 158 § 98; 1975-'76 2nd ex.s. c 34 § 105; 1965 c 100 § 3; 1965 c 8 § 43.24.060. Prior: 1921 c 7 § 99; RRS § 10857.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

Effective date--1982 c 227: See note following RCW 19.09.100.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.24.065 Appointment of temporary additional members of boards and committees for administration and grading of examinations.

Applicable Cases

The director of licensing may, at the request of a board or committee established under Title 18 RCW under the administrative authority of the department of licensing, appoint temporary additional members for the purpose of participating as members during the administration and grading of practical examinations for licensure, certification, or registration. The appointment shall be for the duration of the examination specified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board or committee, including the requirement to be licensed, certified, or registered. While serving as board or committee members, persons so appointed have all the powers, duties, and immunities and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board or committee. This authority is intended to provide for more efficient, economical, and effective examinations.

[1985 c 116 § 1.]

RCW 43.24.080 Issuance of licenses.

Applicable Cases

Except as provided in RCW 43.24.112, at the close of each examination the department of licensing shall prepare the proper licenses, where no further fee is required to be paid, and issue licenses to the successful applicants signed by the director and notify all successful applicants, where a further fee is required, of the fact that they are entitled to receive such license upon the payment of such further fee to the department of licensing and notify all applicants who have failed to pass the examination of that fact.

[1997 c 58 § 866; 1979 c 158 § 99; 1965 c 100 § 4; 1965 c 8 § 43.24.080. Prior: 1921 c 7 § 101; RRS § 10859.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 43.24.085 License or registration fees for businesses, occupations and professions--Policy--Maximum fees--Determination.

Applicable Cases

Notes:

Reviser's note: RCW 43.24.085 was amended by 1983 c 75 § 17 without reference to its repeal by 1983 c 168 § 13. It has been decodified for publication purposes pursuant to RCW 1.12.025.

RCW 43.24.086 Fee policy for professions, occupations, and businesses--Determination by rule.

Applicable Cases

It shall be the policy of the state of Washington that the cost of each professional, occupational[,] or business licensing program be fully borne by the members of that profession, occupation[,] or business. The director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations[,] or businesses, except for health professions, administered by the department of licensing. In fixing said fees, the director shall set the fees for each such program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

[1999 c 240 § 2; 1989 1st ex.s. c 9 § 315; 1987 c 467 § 7; 1983 c 168 § 12.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

Severability--1983 c 168: See RCW 18.120.910.

Regulation of health professions: Chapters 18.120 and 18.122 RCW.

RCW 43.24.090 Examination of handicapped persons.

Applicable Cases

Any person taking any written examination prescribed or authorized by law, for a license or permit to practice any trade, occupation, or profession, who, because of any handicap, is unable to write the examination himself, may dictate it to and have it written or typed by another, to the same effect as though the examination were written out by himself. Any expense connected therewith shall be borne by the person taking the examination.

[1965 c 8 § 43.24.090. Prior: 1947 c 143 § 1; Rem. Supp. 1947 § 8265-20.]

RCW 43.24.112 Suspension of license--Noncompliance with support order--Reissuance.

Applicable Cases

The department shall immediately suspend any license issued by the department of licensing of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 58 § 869.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 43.24.115 Director's duties as to refusal, revocation or suspension of licenses--Performance by assistants.

Applicable Cases

The director may deputize one or more of his assistants to perform his duties with reference to refusal, revocation or suspension of licenses, including the power to preside at hearings and to render decisions therein subject to the approval of the director.

[1965 c 100 § 6.]

RCW 43.24.120 Appeal--Further review.

Applicable Cases

Except as provided in RCW 43.24.112, any person feeling aggrieved by the refusal of the director to issue a license, or to renew one, or by the revocation or suspension of a license shall have a right of appeal to superior court from the decision of the director of licensing, which shall be taken, prosecuted, heard, and determined in the manner provided in chapter 34.05 RCW.

The decision of the superior court may be reviewed by the supreme court or the court of appeals in the same manner as other civil cases.

[1997 c 58 § 868; 1987 c 202 § 212; 1979 c 158 § 102; 1971 c 81 § 112; 1965 c 8 § 43.24.120. Prior: 1921 c 7 § 106; RRS § 10864.]

Notes:

Rules of Court: *Writ procedure superseded by RAP 2.1, 2.2, 18.22.*

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

Intent--1987 c 202: See note following RCW 2.04.190.

RCW 43.24.125 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Applicable Cases

Enforcement action taken after July 23, 1995, by the director or the department of licensing shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 624.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.24.130 License moratorium for persons in service.

Applicable Cases

Notwithstanding any provision of law to the contrary, the license of any person licensed by the director of licensing to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The director shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

[1979 c 158 § 103; 1965 c 8 § 43.24.130. Prior: 1945 c 112 § 1; 1943 c 108 § 1; RRS § 10864-1.]

RCW 43.24.140 Extension or modification of licensing, certification, or registration period authorized--Rules and regulations, manner and content.

Applicable Cases

Notwithstanding any provision of law to the contrary which provides for a licensing period for any type of license subject to this chapter, the director of licensing may, from time to time, extend or otherwise modify the duration of any licensing, certification, or registration period, whether an initial or renewal period, if the director determines that it would result in a more economical or efficient operation of state government and that the public health, safety, or welfare would not be substantially adversely affected thereby. However, no license, certification, or registration may be issued or approved for a period in excess of four years, without renewal. Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of licensing adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period.

[1984 c 279 § 25; 1979 c 158 § 104; 1971 c 52 § 1.]

Notes:

Severability--1984 c 279: See RCW 18.130.901.

**Chapter 43.27A RCW
WATER RESOURCES**

RCW

- 43.27A.015 Powers, duties and functions of department of water resources, director thereof, transferred to department of ecology.
- 43.27A.020 Definitions.
- 43.27A.090 Powers and duties of department.
- 43.27A.130 Department of ecology to inventory state water resources.
- 43.27A.190 Water resource orders.

43.27A.220 "Person" defined.
43.27A.900 Liberal construction.
43.27A.910 Severability--1967 c 242.

RCW 43.27A.015 Powers, duties and functions of department of water resources, director thereof, transferred to department of ecology.

Applicable Cases

See RCW 43.21A.064.

RCW 43.27A.020 Definitions.

Applicable Cases

As used in this chapter, and unless the context indicates otherwise, words and phrase shall mean:

"Department" means the department of ecology;

"Director" means the director of ecology;

"State agency" and "state agencies" mean any branch, department or unit of state government, however designated or constituted;

"Water resources" means all waters above, upon, or beneath the surface of the earth, located within the state and over which the state has sole or concurrent jurisdiction.

"Beneficial use" means, but its meaning shall not be limited to: Domestic water supplies; irrigation; fish, shellfish, game, and other aquatic life; recreation; industrial water supplies; generation of hydroelectric power; and navigation.

[1987 c 109 § 31; 1967 c 242 § 2.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.27A.090 Powers and duties of department.

Applicable Cases

The department shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in

matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to insure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objectives. To the extent the director deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, water works, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To promulgate such rules and regulations as are necessary to carry out the purposes of this chapter.

(12) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended.

RCW 43.27A.130 Department of ecology to inventory state water resources.

Applicable Cases

The department of ecology may make complete inventories of the state's water resources and enter into such agreements with the director of the United States geological survey as will insure that investigations and surveys are carried on in an economical manner.

[1988 c 127 § 26; 1967 c 242 § 15.]

RCW 43.27A.190 Water resource orders.

Applicable Cases

Notwithstanding and in addition to any other powers granted to the department of ecology, whenever it appears to the department that a person is violating or is about to violate any of the provisions of the following:

- (1) Chapter 90.03 RCW; or
- (2) Chapter 90.44 RCW; or
- (3) Chapter 86.16 RCW; or
- (4) Chapter 43.37 RCW; or
- (5) Chapter 43.27A RCW; or
- (6) Any other law relating to water resources administered by the department; or

(7) A rule or regulation adopted, or a directive or order issued by the department relating to subsections (1) through (6) of this section; the department may cause a written regulatory order to be served upon said person either personally, or by registered or certified mail delivered to addressee only with return receipt requested and acknowledged by him. The order shall specify the provision of the statute, rule, regulation, directive or order alleged to be or about to be violated, and the facts upon which the conclusion of violating or potential violation is based, and shall order the act constituting the violation or the potential violation to cease and desist or, in appropriate cases, shall order necessary corrective action to be taken with regard to such acts within a specific and reasonable time. The regulation of a headgate or controlling works as provided in RCW 90.03.070, by a watermaster, stream patrolman, or other person so authorized by the department shall constitute a regulatory order within the meaning of this section. A regulatory order issued hereunder shall become effective immediately upon receipt by the person to whom the order is directed, except for regulations under RCW 90.03.070 which shall become effective when a written notice is attached as provided therein. Any person aggrieved by such order may appeal the order pursuant to RCW 43.21B.310.

[1987 c 109 § 11; 1969 ex.s. c 284 § 7.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

Severability--1969 ex.s. c 284: See note following RCW 90.48.290.

RCW 43.27A.220 "Person" defined.

Applicable Cases

Whenever the word "person" is used in RCW 43.27A.190, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

[1988 c 127 § 27; 1969 ex.s. c 284 § 11.]

Notes:

Severability--1969 ex.s. c 284: See note following RCW 90.48.290.

RCW 43.27A.900 Liberal construction.

Applicable Cases

The rule of strict construction shall have no application to this chapter, but the same shall be liberally construed, in order to carry out the purposes and objectives for which this chapter is intended.

[1967 c 242 § 22.]

RCW 43.27A.910 Severability--1967 c 242.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of this chapter, or the application to other persons or circumstances, is not affected.

[1967 c 242 § 21.]

Chapter 43.30 RCW DEPARTMENT OF NATURAL RESOURCES

RCW

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- 43.30.180 Oaths may be administered by supervisor and deputies.
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- 43.30.300 Outdoor recreation--Construction, operation, and maintenance of primitive facilities--Right of way and public access--Use of state and federal outdoor recreation funds.
- 43.30.310 Rules pertaining to public use of state lands--Enforcement--Penalty.
- 43.30.350 Department of natural resources to exercise mining and geology powers and duties of department of conservation.
- 43.30.355 Department to participate in and administer federal Safe Drinking Water Act in conjunction with other departments.
- 43.30.360 Clarke-McNary fund.
- 43.30.370 Cooperative farm forestry funds.
- 43.30.390 Sustainable harvest sale.
- 43.30.400 Senior environmental corps--Department powers and duties.
- 43.30.410 Watershed restoration projects--Permit processing.

Notes:

Categories of trails--Policy statement as to certain state lands: RCW 79A.35.070.

Commissioner of public lands: Chapters 43.12, 79.01 RCW.

Disposition of off-road vehicle moneys: RCW 46.09.110.

Distribution of snowmobile registration fees: RCW 46.10.080.

Duties: RCW 50.70.050.

Forests and forest products: Title 76 RCW.

Infractions: Chapter 7.84 RCW.

Leases for onshore and offshore facilities: RCW 90.48.386.

Metals mining and milling operations, department of natural resources responsibilities: Chapter 78.56 RCW.

Multiple use concept in management and administration of state-owned lands: Chapter 79.68 RCW.

Programs for dislocated forest products workers: Chapter 50.70 RCW.

Public lands: Title 79 RCW.

Refunds from motor vehicle fund of amounts taxed as off-road vehicle fuel--Distribution--Use: RCW 46.09.170.

Sale, lease, and disposal of lands within Seashore Conservation Area: RCW 79A.05.630.

Treasurer's duty to refund snowmobile fuel tax to general fund--Crediting--Use: RCW 46.10.150.

Trust lands--Periodic review to identify parcels appropriate for transfer to parks and recreation commission: RCW 79A.05.220.

Wildlife and recreation lands; funding of maintenance and operation: Chapter 79A.20 RCW.

Youth development and conservation corps: Chapter 79A.05 RCW.

RCW 43.30.010 Purpose.

Applicable Cases

The purpose of this chapter is to provide for more effective and efficient management of the forest and land resources in the state by consolidating into a department of natural resources

certain powers, duties and functions of the division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, all state sustained yield forest committees, director of conservation and development, state capitol committee, director of licensing, secretary of state, director of revenue, and commissioner of public lands.

[1979 c 107 § 4; 1965 c 8 § 43.30.010. Prior: 1957 c 38 § 1.]

RCW 43.30.020 Definitions.

Applicable Cases

For the purpose of this chapter, except where a different interpretation is required by the context:

- (1) "Department" means the department of natural resources;
- (2) "Board" means the board of natural resources;
- (3) "Administrator" means the administrator of the department of natural resources;
- (4) "Supervisor" means the supervisor of natural resources;
- (5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted;
- (6) "Commissioner" means the commissioner of public lands.

[1965 c 8 § 43.30.020. Prior: 1957 c 38 § 2.]

RCW 43.30.030 Department created.

Applicable Cases

The department of natural resources is hereby created, to consist of a board of natural resources, an administrator and a supervisor.

[1965 c 8 § 43.30.030. Prior: 1957 c 38 § 3.]

RCW 43.30.040 Board of natural resources--Composition.

Applicable Cases

The board shall consist of six members: The governor or the governor's designee, the superintendent of public instruction, the commissioner of public lands, the dean of the college of forest resources of the University of Washington, the dean of the college of agriculture of Washington State University, and a representative of those counties that contain state forest lands acquired or transferred under chapter 76.12 RCW.

The county representative shall be selected by the legislative authorities of those counties that contain state forest lands acquired or transferred under chapter 76.12 RCW. In the selection of the county representative, each participating county shall have one vote. The Washington state association of counties shall conduct a meeting for the purpose of making the selection and shall notify the board of the selection. The county representative shall be a duly elected member of a county legislative authority who shall serve a term of four years unless the representative should leave office for any reason. The initial term shall begin on July 1, 1986.

[1986 c 227 § 1; 1979 ex.s. c 57 § 9; 1965 c 8 § 43.30.040. Prior: 1957 c 38 § 4.]

RCW 43.30.050 Administrator of department.

Applicable Cases

The commissioner of public lands shall be the administrator of the department.

[1965 c 8 § 43.30.050. Prior: 1957 c 38 § 5.]

RCW 43.30.060 Supervisor of natural resources--Appointment.

Applicable Cases

The supervisor shall be appointed by the administrator with the advice and consent of the board. He shall serve at the pleasure of the administrator.

[1965 c 8 § 43.30.060. Prior: 1957 c 38 § 6.]

RCW 43.30.095 Enforcement in accordance with RCW 43.05.100 and 43.05.110

Applicable Cases

Enforcement action taken after July 23, 1995, by the commissioner or supervisor of public lands shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 625.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.30.115 Park land trust revolving fund.

Applicable Cases

The park land trust revolving fund is to be utilized by the department of natural resources for the exclusive purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission or as directed by the legislature in order to maintain the land base of the affected trusts. Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property shall be on the authorization of the department of natural resources. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

[1995 c 211 § 5.]

Notes:

Reviser's note: 1995 c 211 directed that this section be added to chapter 43.85 RCW. This section has been codified in chapter 43.30 RCW, which relates more directly to the department of natural resources.

Findings--Intent--Effective date--Severability--1995 c 211: See notes following RCW 79A.05.070.

RCW 43.30.125 Department to exercise certain powers and duties--State geological survey.

Applicable Cases

The department of natural resources shall assume full charge and supervision of the state geological survey and perform such other duties as may be prescribed by law.

[1988 c 127 § 3; 1965 c 8 § 43.21.050. Prior: 1921 c 7 § 69; RRS § 10827. Formerly RCW 43.21.050.]

Notes:

Mining survey reports, forwarding to: RCW 78.06.030.

Provisions relating to geological survey: Chapter 43.92 RCW, RCW 43.27A.130.

RCW 43.30.130 Department to exercise certain powers and duties--Commissioner of public lands.

Applicable Cases

The department shall exercise all of the powers, duties and functions now vested in the commissioner of public lands and such powers, duties and functions are hereby transferred to the department: PROVIDED, That nothing herein contained shall effect his ex officio membership on any committee provided by law.

[1965 c 8 § 43.30.130. Prior: 1957 c 38 § 13.]

RCW 43.30.135 Powers of department--Forested lands.

Applicable Cases

- (1) The department may:
 - (a) Inquire into the production, quality, and quantity of second growth timber to ascertain conditions for reforestation; and
 - (b) Publish information pertaining to forestry and forest products which it considers of benefit to the people of the state.
- (2) The department shall:
 - (a) Collect information through investigation by its employees, on forest lands owned by the state, including:
 - (i) Condition of the lands;
 - (ii) Forest fire damage;
 - (iii) Illegal cutting, trespassing, or thefts; and
 - (iv) The number of acres and the value of the timber that is cut and removed each year, to determine which state lands are valuable chiefly for growing timber;
 - (b) Prepare maps of each timbered county showing state land therein; and
 - (c) Protect state land as much as is practical and feasible from fire, trespass, theft, and the illegal cutting of timber.
- (3) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in:
 - (a) Forest surveys;
 - (b) Forest studies;

- (c) Forest products studies; and
- (d) Preparation of plans for the protection, management, and replacement of trees, wood lots, and timber tracts.

[1986 c 100 § 50.]

Notes:

Study--1989 c 424: "The department of natural resources shall conduct a study of state-owned hardwood forests. The study shall include, but is not limited to: A comprehensive inventory of state-owned hardwood forests and a qualitative assessment of those stands, research into reforestation of hardwoods on state lands, and an analysis of management policies for increasing the supply of commercially harvestable hardwoods on state lands." [1989 c 424 § 5.]

Report to legislature--1989 c 424: "If by October 1, 1989, the United States congress makes an appropriation to the United States forest service for a Washington state forest inventory and timber supply study, the department of natural resources shall conduct an inventory and prepare a report on the timber supply in Washington state. The report shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future using various assumptions of landowner management, including changes in the forest land base, amount of capital invested in timber management, and expected harvest age. This report shall categorize the results according to region of the state, land ownership, land productivity, and according to major timber species.

The report shall contain an estimate of the acreage and volume of old growth and other timber on lands restricted from commercial timber harvesting due to state or federal decisions, such as national parks, wilderness areas, national recreation areas, scenic river designations, natural areas, geologic areas, or other land allocations which restrict or limit timber harvesting activities. The department shall determine the definition of old growth for the purposes of this section.

State appropriations for these purposes in the 1989-91 budget may be expended if needed for project planning and design. The report shall be submitted to the appropriate committees of the senate and the house of representatives by June 1, 1991." [1989 c 424 § 8.]

RCW 43.30.138 Duties of department--Mining.

Applicable Cases

The department of natural resources shall:

- (1) Collect, compile, publish, and disseminate statistics and information relating to mining, milling, and metallurgy;
- (2) Make special studies of the mineral resources and industries of the state;
- (3) Collect and assemble an exhibit of mineral specimens, both metallic and nonmetallic, especially those of economic and commercial importance; such collection to constitute the museum of mining and mineral development;
- (4) Collect and assemble a library pertaining to mining, milling, and metallurgy of books, reports, drawings, tracings, and maps and other information relating to the mineral industry and the arts and sciences of mining and metallurgy;
- (5) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes;
- (6) Issue bulletins and reports with illustrations and maps with detailed description of the natural mineral resources of the state;
- (7) Preserve and maintain such collections and library open to the public for reference and examination and maintain a bureau of general information concerning the mineral and mining

industry of the state, and issue from time to time at cost of publication and distribution such bulletins as may be deemed advisable relating to the statistics and technology of minerals and the mining industry;

(8) Make determinative examinations of ores and minerals, and consider other scientific and economical problems relating to mining and metallurgy;

(9) Cooperate with all departments of the state government, state educational institutions, the United States geological survey and the United States bureau of mines. All departments of the state government and educational institutions shall render full cooperation to the department in compiling useful and scientific information relating to the mineral industry within and without the state, without cost to the department.

[1988 c 127 § 4; 1965 c 8 § 43.21.070. Prior: 1935 c 142 § 2; RRS § 8614-2. Formerly RCW 43.21.070.]

Notes:

Mining survey reports forwarded to: RCW 78.06.030.

RCW 43.30.141 Gifts and bequests relating to mining.

Applicable Cases

The department of natural resources may receive on behalf of the state, for the benefit of mining and mineral development, gifts, bequests, devises, and legacies of real or personal property and use them in accordance with the wishes of the donors and manage, use, and dispose of them for the best interests of mining and mineral development.

[1988 c 127 § 5; 1965 c 8 § 43.21.080. Prior: 1935 c 142 § 3; RRS § 8614-3. Formerly RCW 43.21.080.]

RCW 43.30.145 Collection of minerals for exhibition.

Applicable Cases

The department of natural resources may, from time to time, prepare special collections of ores and minerals representative of the mineral industry of the state to be displayed or used at any world fair, exposition, mining congress, or state exhibition, in order to promote information relating to the mineral wealth of the state.

[1988 c 127 § 6; 1965 c 8 § 43.21.090. Prior: 1935 c 142 § 4; RRS § 8614-4. Formerly RCW 43.21.090.]

RCW 43.30.150 Powers and duties of board--Personnel--Advisory committees--Organization--Travel expenses.

Applicable Cases

The board shall:

(1) Perform duties relating to appraisal, appeal, approval and hearing functions as provided by law;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in Article 16, section 2 of the state

Constitution;

(4) Constitute the commission on harbor lines provided for in Article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: PROVIDED, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for travel expenses in attending committee meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement of at least four members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1988 c 128 § 10; 1986 c 227 § 2; 1975-'76 2nd ex.s. c 34 § 107; 1965 c 8 § 43.30.150. Prior: 1957 c 38 § 15.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.30.160 Powers and duties of administrator--Personnel.

Applicable Cases

The administrator shall have responsibility for performance of all the powers, duties and functions of the department except those specifically assigned to the board. In the performance of his powers, duties and functions, the administrator shall conform to policies established by the board, and may employ and fix the compensation of such personnel as may be required to perform the duties of his office.

[1965 c 8 § 43.30.160. Prior: 1957 c 38 § 16.]

RCW 43.30.170 Powers and duties of supervisor--Personnel--Bond.

Applicable Cases

The supervisor shall:

- (1) Be charged with the direct supervision of the department's activities as delegated to him by the administrator;
- (2) Perform his duties in conformance with the policies established by the board;
- (3) Organize the department, with approval of the administrator, into such subordinate divisions as he may deem appropriate for the conduct of its operations;
- (4) Employ and fix the compensation of such technical, clerical and other personnel as may be required to carry on activities under his supervision;
- (5) Delegate by order any of his powers, duties and functions to one or more deputies or assistants as he may desire;
- (6) Furnish before entering upon his duties a surety bond payable to the state in such amount as may be determined by the board, conditioned for the faithful performance of his duties and for his accounting of all moneys and property of the state that may come into his possession or under his control by virtue of his office.

[1965 c 8 § 43.30.170. Prior: 1957 c 38 § 17.]

RCW 43.30.180 Oaths may be administered by supervisor and deputies.

Applicable Cases

The supervisor and his duly authorized deputies may administer oaths.

[1965 c 8 § 43.30.180. Prior: 1957 c 38 § 18.]

RCW 43.30.210 Administrator may designate substitute for member of board, commission, etc.

Applicable Cases

When any officer, member, or employee of an agency abolished by provisions of this chapter is, under provisions of existing law, designated as a member ex officio of another board, commission, committee, or other agency, and no provision is made in this chapter with respect to a substitute, the administrator shall designate the officer or other person to serve hereafter in that capacity.

[1965 c 8 § 43.30.210. Prior: 1957 c 38 § 21.]

RCW 43.30.250 Property transactions, restrictive conveyances, highway purpose--Existing law to continue.

Applicable Cases

Nothing in this chapter shall be interpreted as changing existing law with respect to:

- (1) Property given to a state agency on restrictive conveyance with provision for reversion to the grantor or for the vesting of title in another if and when such property is not used by the agency concerned for the stipulated purposes;
- (2) Land or other property acquired by any state agency for highway purposes.

[1965 c 8 § 43.30.250. Prior: 1957 c 38 § 25.]

RCW 43.30.260 Real property--Services and facilities available to other state agencies, cost.

Applicable Cases

Upon request by any state agency vested by law with the authority to acquire or manage real property, the department shall make available to such agency the facilities and services of the department of natural resources with respect to such acquisition or management, upon condition that such agency reimburse the department for the costs of such services.

[1965 c 8 § 43.30.260. Prior: 1957 c 38 § 26.]

RCW 43.30.265 Real property asset base--Natural resources real property replacement account.

Applicable Cases

(1) The legislature finds that the department of natural resources has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department of natural resources under RCW 79.01.009. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation.

[1992 c 167 § 1.]

RCW 43.30.270 Employees--Applicability of merit system.

Applicable Cases

All employees of the department of natural resources shall be governed by any merit system which is now or may hereafter be enacted by law governing such employment.

[1965 c 8 § 43.30.270. Prior: 1957 c 38 § 27.]

RCW 43.30.280 Natural resources equipment fund--Authorized--Purposes--Expenditure.

Applicable Cases

A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department of natural resources without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies.

[1965 c 8 § 43.30.280. Prior: 1963 c 141 § 1.]

RCW 43.30.290 Natural resources equipment fund--Reimbursement.

Applicable Cases

The natural resources equipment fund shall be reimbursed by the department of natural

resources for all moneys expended from it. Reimbursement may be prorated over the useful life of the equipment, machinery, and supplies purchased by moneys from the fund. Reimbursement may be made from moneys appropriated or otherwise available to the department for the purchase, repair and maintenance of equipment, machinery, and supplies and shall be prorated on the basis of relative benefit to the programs. For the purpose of making reimbursement, all existing and hereafter acquired equipment, machinery, and supplies of the department shall be deemed to have been purchased from the natural resources equipment fund.

[1965 c 8 § 43.30.290. Prior: 1963 c 141 § 2.]

RCW 43.30.300 Outdoor recreation--Construction, operation, and maintenance of primitive facilities--Right of way and public access--Use of state and federal outdoor recreation funds.

Applicable Cases

The department of natural resources is authorized:

(1) To construct, operate, and maintain primitive outdoor recreation and conservation facilities on lands under its jurisdiction which are of primitive character when deemed necessary by the department to achieve maximum effective development of such lands and resources consistent with the purposes for which the lands are held. This authority shall be exercised only after review by the interagency committee for outdoor recreation and determination by the committee that the department is the most appropriate agency to undertake such construction, operation and maintenance. Such review is not required for campgrounds designated and prepared or approved by the department.

(2) To acquire right of way and develop public access to lands under the jurisdiction of the department of natural resources and suitable for public outdoor recreation and conservation purposes.

(3) To receive and expend funds from federal and state outdoor recreation funding measures for the purposes of RCW 43.30.300 and *79.08.109.

[1987 c 472 § 13; 1986 c 100 § 51; 1967 ex.s. c 64 § 1.]

Notes:

***Reviser's note:** RCW 79.08.109 was recodified as RCW 79A.50.110 pursuant to 1999 c 249 § 1601.

Severability--1987 c 472: See RCW 79.71.900.

Construction--1967 ex.s. c 64: "Nothing in this act shall be construed as affecting the jurisdiction or responsibility of any other state or local governmental agency, except as provided in section 1 of this act." [1967 ex.s. c 64 § 4.]

Severability--1967 ex.s. c 64: "If any provision of sections 1 through 4 of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 64 § 3.]

Exchange of lands to secure private lands for parks and recreation purposes: RCW 79A.50.110.

Interagency committee for outdoor recreation: Chapter 79A.25 RCW.

RCW 43.30.310 Rules pertaining to public use of state lands--Enforcement--Penalty.

Applicable Cases

For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules pertaining to use by the public of state-owned lands and property which are administered by the department.

A violation of any rule adopted under this section shall constitute a misdemeanor unless the department specifies by rule, when not inconsistent with applicable statutes, that violation of the rule is an infraction under chapter 7.84 RCW: PROVIDED, That violation of a rule relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

The commissioner of public lands and such of his employees as he may designate shall be vested with police powers when enforcing:

- (1) The rules of the department adopted under this section; or
- (2) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

[1987 c 380 § 14; 1979 ex.s. c 136 § 38; 1969 ex.s. c 160 § 1.]

Notes:

Effective date--Severability--1987 c 380: See RCW 7.84.900 and 7.84.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 43.30.350 Department of natural resources to exercise mining and geology powers and duties of department of conservation.

Applicable Cases

See RCW 43.27A.120 and 43.27A.130.

RCW 43.30.355 Department to participate in and administer federal Safe Drinking Water Act in conjunction with other departments.

Applicable Cases

See RCW 43.21A.445.

RCW 43.30.360 Clarke-McNary fund.

Applicable Cases

The department and Washington State University may each receive funds from the federal government in connection with cooperative work with the United States department of agriculture, authorized by sections 4 and 5 of the Clarke-McNary act of congress, approved June 7, 1924, providing for the procurement, protection, and distribution of forestry seed and plants for the purpose of establishing windbreaks, shelter belts, and farm wood lots and to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, and windbreaks; and are authorized to disburse such funds as needed.

[1986 c 100 § 46.]

RCW 43.30.370 Cooperative farm forestry funds.

Applicable Cases

The department and Washington State University may each receive funds from the federal government for cooperative work, as authorized by the cooperative forest management act of congress, approved May 18, 1937, and as subsequently authorized by any amendments to or substitutions for that act, for all purposes authorized by those acts, and to disburse the funds in cooperation with the federal government in accordance therewith.

[1986 c 100 § 47.]

RCW 43.30.390 Sustainable harvest sale.

Applicable Cases

The board of natural resources shall offer for sale the sustainable harvest as identified in the 1984-1993 forest land management program, or as subsequently revised. In the event that decisions made by entities other than the department cause a decrease in the sustainable harvest the department shall offer additional timber sales from state-managed lands.

[1989 c 424 § 9.]

Notes:

Effective date--1989 c 424: See note following RCW 76.12.200.

RCW 43.30.400 Senior environmental corps--Department powers and duties.

Applicable Cases

(1) The department of natural resources shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

- Appoint a representative to the coordinating council;
- Develop project proposals;
- Administer project activities within the agency;
- Develop appropriate procedures for the use of volunteers;
- Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;
- Maintain project records and provide project reports;
- Apply for and accept grants or contributions for corps-approved projects; and
- With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps-approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 10.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.30.410 Watershed restoration projects--Permit processing.

Applicable Cases

A permit required by the department for a watershed restoration project as defined in RCW 89.08.460 shall be processed in compliance with RCW 89.08.450 through 89.08.510.

[1995 c 378 § 13.]

Chapter 43.31 RCW
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

(Formerly Department of trade and economic development)

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Notes:

Chief assistants: RCW 43.17.040.

Cities and towns, annexation, director member of review board: RCW 35.13.171.

Clean Washington center: Chapter 70.95H RCW.

Department created: RCW 43.17.010.

Department to arrange provision of information on environmental laws: RCW 43.21A.515.

Development credit corporations: Chapter 31.20 RCW.

Diverse cultures and languages encouraged--State policy: RCW 1.20.100.

Industrial development revenue bonds: Chapter 39.84 RCW.

Industrial projects of state-wide significance--Appointment of ombudsmen: RCW 43.157.030.

Joint committee on nuclear energy: Chapter 44.39 RCW.

Nuclear energy, thermal, electric generating power facilities, joint development: Chapter 54.44 RCW.

Oath: RCW 43.17.030.

Occupational forecast--Agency consultation: RCW 50.38.030.

Office maintained at state capital: RCW 43.17.050.

Public disclosure: RCW 42.17.310.

Regulatory fairness act: Chapter 19.85 RCW.

Rules and regulations: RCW 43.17.060.

Steam generating facility, powers of director: RCW 43.21A.612.

RCW 43.31.055 Business expansion and trade development.

Applicable Cases

Notes:

Reviser's note: RCW 43.31.055 was amended by 1993 c 512 § 4 without reference to its repeal by 1993 c 280 § 82, effective July 1, 1994. It has been decodified, effective July 1, 1994, for publication purposes pursuant to RCW 1.12.025.

RCW 43.31.057 Washington products--Expansion of market--Pamphlet.

Applicable Cases

The department of community, trade, and economic development is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

[1993 c 280 § 39; 1986 c 183 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative declaration--1986 c 183: "The legislature declares that:

(1) The development and sale of Washington business products is a vital element in expanding the state economy.

(2) The marketing of items produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, and provides an important stimulation to the economic strength of Washington companies.

(3) State government should play a significant role in the development and expansion of markets for Washington products." [1986 c 183 § 1.]

Severability--1986 c 183: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 183 § 5.]

RCW 43.31.086 *Business assistance center--Additional duties.

Applicable Cases

To assist state agencies in reducing regulatory costs to small business and to promote greater public participation in the rule-making process, the *business assistance center shall:

(1) Develop agency guidelines for the preparation of a small business economic impact statement and compliance with chapter 19.85 RCW;

(2) Review and provide comments to agencies on draft or final small business economic impact statements;

(3) Advise the joint administrative rules review committee on whether an agency reasonably assessed the costs of a proposed rule and reduced the costs for small business as required by chapter 19.85 RCW; and

(4) Organize and chair a state rules coordinating committee, consisting of agency rules coordinators and interested members of the public, to develop an education and training program that includes, among other components, a component that addresses voluntary compliance, for agency personnel responsible for rule development and implementation. The *business assistance center shall submit recommendations to the department of personnel for an administrative procedures training program that is based on the sharing of interagency resources.

[1994 c 249 § 15.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Severability--Application--1994 c 249: See notes following RCW 34.05.310.

RCW 43.31.088 *Business assistance center--ISO-9000 quality standards.

Applicable Cases

(1) The department, through its *business assistance center, shall assist companies seeking to adopt ISO-9000 quality standards. The department shall:

- (a) Prepare and disseminate information regarding ISO-9000;
- (b) Assemble and maintain information on public and private sector individuals, organizations, educational institutions, and advanced technology centers that can provide technical assistance to firms that wish to become ISO-registered;
- (c) Assemble and maintain information on Washington firms which have received ISO registration;
- (d) Undertake other activities it deems necessary to execute this section;
- (e) Survey appropriate sectors to determine the level of interest in receiving ISO-9000 certification and coordinate with the program;
- (f) Establish a mechanism for businesses to make self-assessments of relative need to become ISO-9000 certified;
- (g) Assist and support nonprofit organizations, and other organizations, currently providing education, screening, and certification training; and
- (h) Coordinate the Washington program with other similar state, regional, and federal programs.

(2) For the purposes of this section, "ISO-9000" means the series of standards published in 1987, and subsequent revisions, by the international organization for standardization for quality assurance in design, development, production, final inspection and testing, and installation and servicing of products, processes, and services.

(3) For the purposes of this section, registration to the American national standards institute/American society for quality control Q90 series shall be considered ISO-9000 registration.

[1994 c 140 § 2.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Findings--Intent--1994 c 140: "The legislature finds that since the publication by the international organization for standardization of its ISO-9000 series of quality systems standards, more than twenty thousand facilities in the United Kingdom and several thousand in Europe have become registered in the standards. By comparison, currently only about four hundred United States companies have adopted the standards. The international organization for standardization is a Geneva-based organization founded in 1947 to promote standardization with a view to facilitating trade.

The legislature further finds that the growing world-wide acceptance by over sixty nations of the ISO-9000 series of quality systems standards, including adoption by the twelve nations of the European Community, means that more Washington companies will need to look at the adoption of ISO-9000 to remain competitive in global markets. Adoption of ISO-9000, as well as other quality systems, may also help Washington companies improve quality. However, many small businesses know little about the standards or how registration is achieved.

It is the intent of the legislature that the department of community, trade, and economic development encourage and assist state businesses to adopt ISO-9000 and other quality systems as part of the state's strategy for global industrial competitiveness." [1994 c 140 § 1.]

Effective date--1994 c 140: "This act shall take effect July 1, 1994." [1994 c 140 § 4.]

RCW 43.31.0925 *Business assistance center--Minority and women business development office.

Applicable Cases

There is established within the department's *business assistance center the minority and women business development office. This office shall provide business-related assistance to minorities and women as well as serve as an outreach program to increase minority and women-owned businesses' awareness and use of existing business assistance services.

[1993 c 512 § 7.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.31.093 Minority and women-owned small businesses--Entrepreneurial training courses.

Applicable Cases

The department of community, trade, and economic development shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned small businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. The *business assistance center may recommend professional instructors, with

practical knowledge and experience on how to start and operate a business, to teach the courses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for minority and women small business owners and entrepreneurs.

[1995 c 399 § 71; 1993 c 512 § 6.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.31.125 Advisory groups.

Applicable Cases

The director may establish such advisory groups as in the director's discretion are necessary to carry out the purposes of this chapter. Members of and vacancies in such advisory groups shall be filled by appointment by the director. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

[1985 c 466 § 16.]

Notes:

Effective date--1985 c 466: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985." [1985 c 466 § 96.]

Severability--1985 c 466: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 466 § 95.]

Headings--1985 c 466: "As used in this act, section headings constitute no part of the law." [1985 c 466 § 77.]

Transfer of assets--1985 c 466: "All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce and economic development shall be delivered to the custody of the department of trade and economic development. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce and economic development shall be made available to the department of trade and economic development. All funds, credits, or other assets held by the department of commerce and economic development shall be assigned to the department of trade and economic development.

Any appropriations made to the department of commerce and economic development shall, June 30, 1985, be transferred and credited to the department of trade and economic development.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned." [1985 c 466 § 19.]

Transfer of employees--1985 c 466: "All classified employees of the department of commerce and economic development are transferred to the jurisdiction of the department of trade and economic development. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of trade

and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service." [1985 c 466 § 20.]

Continuation of rules and business and existing contracts and obligations--1985 c 466: "All rules and all pending business before the department of commerce and economic development shall be continued and acted upon by the department of trade and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of trade and economic development." [1985 c 466 § 21.]

Savings--1985 c 466: "The transfer of the powers, duties, functions, and personnel of the department of commerce and economic development shall not affect the validity of any act performed prior to June 30, 1985." [1985 c 466 § 22.]

Apportionment of funds--1985 c 466: "If apportionments of budgeted funds are required because of the transfers directed by sections 19 through 22, chapter 466, Laws of 1985, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification." [1985 c 466 § 23.]

RCW 43.31.145 Foreign offices--Promotion of overseas trade and commerce.

Applicable Cases

The department is charged with the primary role within state government for the establishment and operation of foreign offices created for the purpose of promoting overseas trade and commerce.

[1991 c 24 § 7; 1985 c 466 § 18.]

Notes:

Effective date--1991 c 24: See RCW 43.290.900.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.31.205 Hanford reservation--Promotion of sublease for nuclear-related industry.

Applicable Cases

In an effort to enhance the economy of the Tri-Cities area, the department of community, trade, and economic development is directed to promote the existence of the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington, and the opportunity of subleasing the land to entities for nuclear-related industry, in agreement with the terms of the lease. When promoting the existence of the lease, the department shall work in cooperation with any associate development organization located in or near the Tri-Cities area.

[1993 c 280 § 41; 1992 c 228 § 2; 1990 c 281 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative findings--1992 c 228: "The legislature finds that the ninety-nine-year lease of one thousand acres of land by the state from the federal government requires that the state use any rent moneys from subleasing the land for the development of the leased land and nuclear-related industries in the Tri-Cities area. The legislature further finds that the new emphasis on waste cleanup at Hanford and the new technologies needed for environmental restoration warrant a renewed effort to promote development of the leased land and nuclear-related industries in the Tri-Cities area." [1992 c 228 § 1.]

Legislative findings--1990 c 281: "The legislature finds that the one thousand acres of land leased from the federal government to the state of Washington on the Hanford reservation constitutes an unmatched resource for development of high-technology industry, nuclear medicine research, and research into new waste immobilization and reduction techniques. The legislature further finds that continued diversification of the Tri-Cities economy will help stabilize and improve the Tri-Cities economy, and that this effort can be aided by emphasizing the resources of local expertise and nearby facilities." [1990 c 281 § 1.]

RCW 43.31.215 Hanford reservation--Tri-Cities area--Emphasize work force and facilities.

Applicable Cases

When the department implements programs intended to attract or maintain industrial or high-technology investments in the state, the department shall, to the extent possible, emphasize the following:

- (1) The highly skilled and trained work force in the Tri-Cities area;
- (2) The world-class research facilities in the area, including the fast flux test facility and the Pacific Northwest laboratories;
- (3) The existence of the one thousand acres leased by the state from the federal government for the purpose of nuclear-related industries; and
- (4) The ability for high-technology and medical industries to safely dispose of low-level radioactive waste at the Hanford commercial low-level waste disposal facility.

[1990 c 281 § 3.]

Notes:

Legislative findings--1990 c 281: See note following RCW 43.31.205.

RCW 43.31.390 Information from environmental profile--Use in brochures and presentations--Availability to local economic development groups.

Applicable Cases

The department shall incorporate information from the environmental profile developed by the department of ecology in accordance with RCW 43.21A.510 in preparing promotional brochures and in its presentations to businesses considering locating in Washington state. It shall also make the information available to local economic development groups for use in local economic development efforts.

[1985 c 466 § 33; 1984 c 94 § 4.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

Findings--1984 c 94: See note following RCW 43.21A.510.

RCW 43.31.403 Investment opportunities office--Finding and purpose.

Applicable Cases

The legislature finds that the growth of small and young businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the market place, and expanding tax revenues. Access to financial markets by entrepreneurs is vital to this process. Without reasonable access to financing, talented and aggressive entrepreneurs are cut out of the

economic system and the state's economy suffers. It is the purpose of RCW 43.31.403 through 43.31.414 to guarantee that entrepreneurs and investors have an institutionalized means of meeting their respective needs for access to capital resources and information about promising business investments in Washington state.

[1989 c 312 § 1.]

Notes:

Severability--1989 c 312: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 312 § 10.]

RCW 43.31.406 Investment opportunities office--Definitions.

Applicable Cases

As used in RCW 43.31.403 through 43.31.414, the term:

(1) "Entrepreneur" means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, engaged in manufacturing, wholesaling, transportation services, traded services, or the development of destination tourism resorts, with fewer than two hundred fifty employees and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(2) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(3) "Traded services" means those commercial and professional services that are developed for sale outside the state.

(4) "Wholesaling" means activities related to the sale or storage of commodities in large quantities.

(5) "Transportation services" means those services which involve the transport of passengers or goods.

(6) "Destination tourism resort" means a tourism and recreation complex that is developed primarily as a location for recreation and tourism activities that will be used primarily by nonresidents of the immediate area.

[1989 c 312 § 2.]

Notes:

Severability--1989 c 312: See note following RCW 43.31.403.

RCW 43.31.409 Investment opportunities office--Created.

Applicable Cases

There is created in the *business assistance center of the department of community, trade, and economic development the Washington investment opportunities office.

[1993 c 280 § 42; 1989 c 312 § 3.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1989 c 312: See note following RCW 43.31.403.

RCW 43.31.411 Investment opportunities office--Duties.

Applicable Cases

The Washington investment opportunities office shall:

(1) Maintain a list of all entrepreneurs engaged in manufacturing, wholesaling, transportation services, development of destination tourism resorts, or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.

(2) Maintain a file on each entrepreneur which may include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.

(3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.

(4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.

(5) Promote small business securities financing.

(6) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.

(7) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.

[1998 c 245 § 61; 1993 c 280 § 43; 1989 c 312 § 4.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1989 c 312: See note following RCW 43.31.403.

RCW 43.31.414 Investment opportunities office--Service fees.

Applicable Cases

The *business assistance center may charge reasonable fees or other appropriate charges

to participants using the services of the investment opportunities office for the purpose of defraying all or part of the costs of the *business assistance center in administering this program.

[1989 c 312 § 5.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Severability--1989 c 312: See note following RCW 43.31.403.

RCW 43.31.417 Investment opportunities office--Contracting authority.

Applicable Cases

The director of the *business assistance center may enter into contracts with nongovernmental agencies to provide any of the services under RCW 43.31.411.

[1989 c 312 § 6.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Severability--1989 c 312: See note following RCW 43.31.403.

RCW 43.31.422 Hanford area economic investment fund.

Applicable Cases

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used for reasonable assistant attorney general costs in support of the committee or pursuant to the recommendations of the committee created in RCW 43.31.425 and the approval of the director of community, trade, and economic development for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and Franklin counties. Disbursements from the fund shall be on the authorization of the director of community, trade, and economic development or the director's designee after an affirmative vote of at least six members of the committee created in RCW 43.31.425 on any recommendations by the committee created in RCW 43.31.425. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

[1998 c 76 § 1; 1993 c 280 § 44; 1991 c 272 § 19.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective dates--1991 c 272: See RCW 81.108.901.

Surcharge on waste generators: RCW 43.200.230, 43.200.233, and 43.200.235.

RCW 43.31.425 Hanford area economic investment fund committee.

Applicable Cases

The Hanford area economic investment fund committee is hereby established.

(1) The committee shall have eleven members. The governor shall appoint the members, in consultation with Hanford area elected officials, subject to the following requirements:

(a) All members shall either reside or be employed within the Hanford area.

(b) The committee shall have a balanced membership representing one member each from the elected leadership of Benton county, Franklin county, the city of Richland, the city of Kennewick, the city of Pasco, a Hanford area port district, the labor community, and four members from the Hanford area business and financial community.

(c) Careful consideration shall be given to assure minority representation on the committee.

(2) Each member appointed by the governor shall serve a term of three years, except that of the members first appointed, four shall serve two-year terms and four shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the governor for cause.

(3) The governor shall designate a member of the committee as its chairperson. The committee may elect such other officers as it deems appropriate. Six members of the committee constitute a quorum and six affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

[1998 c 76 § 2; 1991 c 272 § 20.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.31.428 Hanford area economic investment fund committee--Powers.

Applicable Cases

The Hanford area economic investment fund committee created under RCW 43.31.425 may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Utilize the services of other governmental agencies;

(3) Accept from any federal or state agency loans or grants for the purposes of funding Hanford area revolving loan funds, Hanford area infrastructure projects, or Hanford area

economic development projects;

(4) Recommend to the director rules for the administration of the program, including the terms and rates pertaining to its loans, and criteria for awarding grants, loans, and financial guarantees;

(5) Recommend to the director a spending strategy for the moneys in the fund created in RCW 43.31.422. The strategy shall include five and ten year goals for economic development and diversification for use of the moneys in the Hanford area;

(6) Recommend to the director no more than two allocations eligible for funding per calendar year, with a first priority on Hanford area revolving loan allocations, and Hanford area infrastructure allocations followed by other Hanford area economic development and diversification projects if the committee finds that there are no suitable allocations in the priority allocations described in this section;

(7) Establish and administer a revolving fund consistent with this section and RCW 43.31.422 and 43.31.425; and

(8) Make grants from the Hanford area economic investment fund consistent with this section and RCW 43.31.422 and 43.31.425.

[1998 c 76 § 3; 1991 c 272 § 21.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.31.502 Child care facility revolving fund--Purpose--Source of funds.

Applicable Cases

(1) A child care facility revolving fund is created. Money in the fund shall be used solely for the purpose of starting or improving a child care facility pursuant to RCW *43.31.085 and 43.31.502 through 43.31.514. Only moneys from private or federal sources may be deposited into this fund.

(2) Funds provided under this section shall not be subject to reappropriation. The child care facility fund committee may use loan and grant repayments and income for the revolving fund program.

[1991 c 248 § 1; 1989 c 430 § 3.]

Notes:

***Reviser's note:** RCW 43.31.085 was repealed by 1993 c 280 § 81, effective June 30, 1996.

Legislative findings--1989 c 430: "The legislature finds that increasing the availability and affordability of quality child care will enhance the stability of the family and facilitate expanded economic prosperity in the state. The legislature finds that balancing work and family life is a critical concern for employers and employees. The dramatic increase in participation of women in the work force has resulted in a demand for affordable child care exceeding the supply. The future of the state's work force depends in part upon the availability of quality affordable child care. There are not enough child care services and facilities to meet the needs of working parents, the costs of care are often beyond the resources of working parents, and facilities are not located conveniently to work places and neighborhoods. The prospect for labor shortages resulting from the aging of the population and the importance of the quality of the work force to the competitiveness of Washington businesses make the availability of quality child care an important concern for the state's businesses.

The legislature further finds that a partnership between business and child care providers can help the market for child care adjust to the needs of businesses and working families and improve productivity, reduce absenteeism, improve recruitment, and improve morale among Washington's labor force. The legislature further finds that private and public partnerships and investments are necessary to increase the supply, affordability, and quality of child care in the state." [1989 c 430 § 1.]

Severability--1989 c 430: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 430 § 12.]

RCW 43.31.504 Child care facility fund committee--Generally.

Applicable Cases

The child care facility fund committee is established within the *business assistance center of the department of community, trade, and economic development. The committee shall administer the child care facility fund, with review by the director of community, trade, and economic development.

(1) The committee shall have five members. The director of community, trade, and economic development shall appoint the members, who shall include:

(a) Two persons experienced in investment finance and having skills in providing capital to new businesses, in starting and operating businesses, and providing professional services to small or expanding businesses;

(b) One person representing a philanthropic organization with experience in evaluating funding requests;

(c) One child care services expert; and

(d) One early childhood development expert.

In making these appointments, the director shall give careful consideration to ensure that the various geographic regions of the state are represented and that members will be available for meetings and are committed to working cooperatively to address child care needs in Washington state.

(2) The committee shall elect officers from among its membership and shall adopt policies and procedures specifying the lengths of terms, methods for filling vacancies, and other matters necessary to the ongoing functioning of the committee.

(3) Committee members shall serve without compensation, but may request reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Committee members shall not be liable to the state, to the child care facility fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violation of the law. The department of community, trade, and economic development may purchase liability insurance for members and may indemnify these persons against the claims of others.

[1993 c 280 § 45; 1989 c 430 § 4.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.31.506 Child care facility fund committee--Authority to award moneys from fund.

Applicable Cases

The child care facility fund committee is authorized to solicit applications for and award grants and loans from the child care facility fund to assist persons, businesses, or organizations to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility. Grants and loans shall be awarded on a one-time only basis, and shall not be awarded to cover operating expenses beyond the first three months of business. No grant shall exceed twenty-five thousand dollars. No loan shall exceed one hundred thousand dollars.

[1991 c 248 § 2; 1989 c 430 § 5.]

Notes:

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.31.508 Child care facility fund committee--Loans to child care facilities.

Applicable Cases

The child care facility fund committee is authorized, upon application, to use the child care facility fund to guarantee loans made to persons, businesses, or organizations to start a licensed child care facility, or to make capital improvements in an existing licensed child care facility.

(1) Loan guarantees shall be awarded on a one-time only basis, and shall not be awarded for loans to cover operating expenses beyond the first three months of business.

(2) The total aggregate amount of the loan guarantee awarded to any applicant may not exceed twenty-five thousand dollars and may not exceed eighty percent of the loan.

(3) The total aggregate amount of guarantee from the child care facility fund, with respect to the guaranteed portions of loans, may not exceed at any time an amount equal to five times the balance in the child care facility fund.

[1989 c 430 § 6.]

Notes:

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.31.512 Child care facility fund committee--Loans or grants to individuals, businesses, or organizations.

Applicable Cases

The child care facility fund committee shall award loan guarantees, loans or grants to those persons, businesses, or organizations meeting the minimum standards set forth in this chapter who will best serve the intent of the chapter to increase the availability of high quality, affordable child care in Washington state. The committee shall promulgate rules regarding the application for and disbursement of loan guarantees, loans, or grants from the fund, including loan terms and repayment procedures. At a minimum, such rules shall require an applicant to

submit a plan which includes a detailed description of:

- (1) The need for a new or improved child care facility in the area served by the applicant;
- (2) The steps the applicant will take to serve a reasonable number of handicapped children as defined in *chapter 72.40 RCW, sick children, infants, children requiring night time or weekend care, or children whose costs of care are subsidized by government;
- (3) Why financial assistance from the state is needed to start or improve the child care facility;
- (4) How the guaranteed loan, loan, or grant will be used, and how such uses will meet the described need;
- (5) The child care services to be available at the facility and the capacity of the applicant to provide those services; and
- (6) The financial status of the applicant, including other resources available to the applicant which will ensure the continued viability of the facility and the availability of its described services.

Recipients shall annually for two years following the receipt of the loan guarantee, loan, or grant, submit to the child care facility fund committee a report on the facility and how it is meeting the child care needs for which it was intended.

[1989 c 430 § 7.]

Notes:

***Reviser's note:** Chapter 72.40 RCW does not contain a definition of "handicapped children."

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.31.514 Child care facility fund committee--Grants, repayment requirements.

Applicable Cases

Where the child care facility fund committee makes a grant to a person, organization, or business, the grant shall be repaid to the child care facility fund if the child care facility using the grant to start or expand ceases to provide child care earlier than the following time periods from the date the grant is made: (1) Twelve months for a grant up to five thousand dollars; (2) twenty-four months for a grant over five thousand dollars up to ten thousand dollars; (3) thirty-six months for a grant over ten thousand dollars up to fifteen thousand dollars; (4) forty-eight months for a grant over fifteen thousand dollars up to twenty thousand dollars; and (5) sixty months for a grant over twenty thousand dollars up to twenty-five thousand dollars.

[1989 c 430 § 8.]

Notes:

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.31.522 Marketplace program--Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524 and 43.31.526:

- (1) "Department" means the department of community, trade, and economic

development.

(2) "Center" means the business assistance center established under *RCW 43.31.083.

(3) "Director" means the director of community, trade, and economic development.

(4) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

[1993 c 280 § 46; 1990 c 57 § 2; 1989 c 417 § 2.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Finding--1990 c 57; 1989 c 417: "The legislature finds and declares that substantial benefits in increased employment and business activity can be obtained by assisting businesses in identifying opportunities to purchase the goods and services they need from Washington state suppliers rather than from out-of-state suppliers and in identifying new markets for Washington state firms to provide goods and services. The replacement of out-of-state imports with services and manufactured goods produced in-state can be an important source of economic growth in a local community especially in rural areas. Businesses in the state are often unaware that goods and services they purchase from out-of-state suppliers are available from in-state firms with substantial advantages in responsiveness, service, and price. Increasing the economic partnerships between businesses in Washington state can build bridges between urban and rural communities and can result in the identification of additional opportunities for successful economic development initiatives. Providing additional information to businesses regarding in-state sources of goods and services can be a particularly valuable component of revitalization strategies in economically distressed areas. The legislature finds and declares that it is the policy of the state to strengthen the economies of local communities by increasing the economic partnerships between in-state businesses and creating programs to assist businesses in identifying in-state sources of goods and services, and in addition to identify new markets for Washington firms to provide goods and services." [1990 c 57 § 1; 1989 c 417 § 1.]

Severability--1989 c 417: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 417 § 15.]

RCW 43.31.524 Marketplace program--Generally.

Applicable Cases

There is established a Washington marketplace program within the business assistance center established under *RCW 43.31.083. The program shall assist businesses to competitively meet their needs for goods and services within Washington state by providing information relating to the replacement of imports or the fulfillment of new requirements with Washington products produced in Washington state. The program shall place special emphasis on strengthening rural economies in economically distressed areas of the state meeting the criteria of an "eligible area" as defined in RCW 82.60.020(3).

[1993 c 280 § 47; 1990 c 57 § 3; 1989 c 417 § 3.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995.

RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Finding--1990 c 57; 1989 c 417: See note following RCW 43.31.522.

Severability--1989 c 417: See note following RCW 43.31.522.

RCW 43.31.526 Marketplace program--Contracts to foster linkages--Department duties.

Applicable Cases

(1) The department shall contract with governments, industry associations, or local nonprofit organizations to foster cooperation and linkages between distressed and nondistressed areas and between urban and rural areas, and between Washington and other Northwest states. The department may enter into joint contracts with multiple nonprofit organizations. Contracts with economic development organizations to foster cooperation and linkages between distressed and nondistressed areas and urban and rural areas shall be structured by the department and the distressed area marketplace programs. Contracts with economic development organizations shall:

(a) Award contracts based on a competitive bidding process, pursuant to chapter 43.19 RCW; and

(b) Ensure that each location contain sufficient business activity to permit effective program operation.

The department may require that contractors contribute at least twenty percent local funding.

(2) The contracts with governments, industry associations, or local nonprofit organizations shall be for, but not limited to, the performance of the following services for the Washington marketplace program:

(a) Contacting Washington state businesses to identify goods and services they are currently buying or are planning in the future to buy out-of-state and determine which of these goods and services could be purchased on competitive terms within the state;

(b) Identifying locally sold goods and services which are currently provided by out-of-state businesses;

(c) Determining, in consultation with local business, goods and services for which the business is willing to make contract agreements;

(d) Advertising market opportunities described in (c) of this subsection;

(e) Receiving bid responses from potential suppliers and sending them to that business for final selection; and

(f) Establish linkages with federal, regional, and Northwest governments, industry associations, and nonprofit organizations to foster buying leads and information benefiting Washington suppliers and industry and trade associations.

(3) Contracts may include provisions for charging service fees of businesses that participate in the program.

(4) The center shall also perform the following activities in order to promote the goals of the program:

(a) Prepare promotional materials or conduct seminars to inform communities and organizations about the Washington marketplace program;

(b) Provide technical assistance to communities and organizations interested in developing an import replacement program;

(c) Develop standardized procedures for operating the local component of the Washington marketplace program; and

(d) Provide continuing management and technical assistance to local contractors.

[1998 c 245 § 62; 1994 c 47 § 2; 1993 c 280 § 48; 1990 c 57 § 4; 1989 c 417 § 4.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Finding--1990 c 57; 1989 c 417: See note following RCW 43.31.522.

Severability--1989 c 417: See note following RCW 43.31.522.

RCW 43.31.545 Recycled materials and products--Market development.

Applicable Cases

The department is the lead state agency to assist in establishing and improving markets for recyclable materials generated in the state.

[1991 c 319 § 210; 1989 c 431 § 64.]

Notes:

Severability--Part headings not law--1991 c 319: See RCW 70.95F.900 and 70.95F.901.

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

Clean Washington center: Chapter 70.95H RCW.

RCW 43.31.601 Definitions.

Applicable Cases

For the purposes of RCW 43.31.601 through 43.31.641:

(1) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

(2)(a) "Rural natural resources impact area" means:

(i) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in (b) of this subsection;

(ii) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in (b) of this subsection; or

(iii) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in (b) of this subsection.

(b) For the purposes of designating rural natural resources impact areas, the following

criteria shall be considered:

- (i) A lumber and wood products employment location quotient at or above the state average;
- (ii) A commercial salmon fishing employment location quotient at or above the state average;
- (iii) Projected or actual direct lumber and wood products job losses of one hundred positions or more;
- (iv) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and
- (v) An unemployment rate twenty percent or more above the state average.

The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

[1997 c 367 § 1; 1995 c 226 § 1; 1992 c 21 § 2; 1991 c 314 § 2.]

Notes:

Reviser's note--Sunset Act application: The rural natural resources impact area programs are subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.385, 28B.50.258, 28B.50.262, 28B.80.570, 28B.80.575, 28B.80.580, 28B.80.585, 43.17.065, 43.20A.750, 43.31.601, 43.31.641, 43.63A.021, 43.63A.440, 43.63A.600, 43.168.140, 50.12.270, 50.22.090, 50.70.010, and 50.70.020 are scheduled for future repeal under RCW 43.131.386.

Severability--1997 c 367: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 367 § 21.]

Conflict with federal requirements--1997 c 367: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1997 c 367 § 22.]

Effective date--1997 c 367: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 367 § 23.]

Severability--1995 c 226: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 226 § 37.]

Conflict with federal requirements--1995 c 226: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this

finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [1995 c 226 § 38.]

Effective date--1995 c 226: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 226 § 39.]

Findings--1991 c 314: "The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas." [1991 c 314 § 1.]

RCW 43.31.611 Rural community assistance coordinator. (Expires June 30, 2000.)

Applicable Cases

(1) *The governor shall appoint a rural community assistance coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to rural natural resources impact areas.*

(2) *The coordinator's responsibilities shall include but not be limited to:*

(a) *Chairing the agency rural community assistance task force and directing staff associated with the task force.*

(b) *Coordinating and maximizing the impact of state and federal assistance to rural natural resources impact areas.*

(c) *Coordinating and expediting programs to assist rural natural resources impact areas.*

(d) *Providing the legislature with a status and impact report on the rural community assistance program in January 1998.*

(3) *To assist in carrying out the duties set out under this section, the coordinator shall consult with the Washington state rural development council and may appoint an advisory body that has representation from local governments and natural resources interest groups representing impacted rural communities.*

(4) *This section shall expire June 30, 2000.*

[1997 c 367 § 2; 1995 c 226 § 2; 1993 c 316 § 1; 1991 c 314 § 3.]

Notes:

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW

43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--1993 c 316: "Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 30, 1993." [1993 c 316 § 12.]

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.31.621 Agency rural community assistance task force. (Expires June 30, 2000.)

Applicable Cases

(1) There is established the agency rural community assistance task force. The task force shall be chaired by the rural community assistance coordinator. It shall be the responsibility of the coordinator that all directives of chapter 314, Laws of 1991, and chapter 226, Laws of 1995 are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of community, trade, and economic development, employment security department, department of social and health services, state board for community and technical colleges, work force training and education coordinating board, department of natural resources, department of transportation, department of fish and wildlife, University of Washington center for international trade in forest products, department of agriculture, and department of ecology. The task force shall solicit and consider input from the rural development council in coordinating agency programs targeted to rural natural resources impacted communities. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, University of Washington school of fisheries, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, Washington state labor council, the Evergreen partnership, Washington state association of counties, and others as needed.

(2) Recognizing that some rural natural resources areas have greater economic distress than others, the task force will consider the severity of the impact as a significant project selection criteria, both at the county and subcounty level.

(3) This section shall expire June 30, 2000.

[1997 c 367 § 3; 1996 c 186 § 508; 1995 c 226 § 3; 1994 c 264 § 18. Prior: 1993 c 316 § 2; 1993 c 280 § 49; 1991 c 314 § 4.]

Notes:

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--1993 c 316: See note following RCW 43.31.611.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.31.641 Department duties--Timber-dependent communities, value-added forest products firms, value-added forest products industry--Strategic diversification and export assistance.

Applicable Cases

The department of community, trade, and economic development, as a member of the agency rural community assistance task force, shall:

(1) Administer available federal grant funds to support strategic diversification needs and opportunities of timber-dependent communities, value-added forest products firms, and the value-added forest products industry in Washington state.

(2) Provide value-added wood products companies with building products export development assistance.

[1997 c 367 § 6; 1995 c 226 § 4; 1993 c 280 § 50; 1991 c 314 § 7.]

Notes:

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.31.800 State international trade fairs--"Director" defined.

Applicable Cases

"Director" as used in RCW *43.31.790 through 43.31.850 and **67.16.100 means the director of community, trade, and economic development.

[1993 c 280 § 52; 1987 c 195 § 4; 1965 c 148 § 2.]

Notes:

Reviser's note: *(1) RCW 43.31.790 was repealed by 1993 c 280 § 82, effective July 1, 1994.

***(2) RCW 67.16.100 was amended by 1998 c 345 § 5, removing the reference to "director."

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.31.805 State trade fair fund.

Applicable Cases

The state trade fair fund is created in the custody of the state treasury. All moneys received by the department of community, trade, and economic development for the purposes of this fund shall be deposited into the fund. Expenditures from the fund may be used only for the purpose of assisting state trade fairs. Only the director of community, trade, and economic development or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

[1998 c 345 § 3.]

Notes:

Severability--Effective date--Contingent effective date--1998 c 345: See notes following RCW 15.04.090.

RCW 43.31.810 State international trade fairs--State aid eligibility requirements.

Applicable Cases

For the purposes of *RCW 43.31.790 through 43.31.850 and **67.16.100, as now or hereafter amended, state international trade fair organizations, to be eligible for state financial aid hereunder (1) must have had at least two or more years of experience in the presentation of or participation in state international trade fairs, whether held in this state, another state or territory of the United States or a foreign country, however these need not be consecutive years; (2) must be able to provide, from its own resources derived from general admission or otherwise, funds sufficient to match at least one-half the amount of state financial aid allotted.

[1987 c 195 § 5; 1975 1st ex.s. c 292 § 3; 1965 c 148 § 3.]

Notes:

Reviser's note: *(1) RCW 43.31.790 was repealed by 1993 c 280 § 82, effective July 1, 1994.

** (2) RCW 67.16.100 was amended by 1998 c 345 § 5, removing references to state trade fairs.

RCW 43.31.820 State international trade fairs--Application for funds.

Applicable Cases

The board of trustees of any state international trade fair sponsored by any public agency, qualifying under the provisions of *RCW 43.31.790 through 43.31.850 and **67.16.100, as now or hereafter amended, may apply to the director for moneys to carry on the continued development as well as the operation of said fair, said money to be appropriated from the state trade fair fund as provided for in ***RCW 67.16.100, as now or hereafter amended.

[1987 c 195 § 6; 1975 1st ex.s. c 292 § 4; 1965 c 148 § 4.]

Notes:

Reviser's note: *(1) RCW 43.31.790 was repealed by 1993 c 280 § 82, effective July 1, 1994.

** (2) RCW 67.16.100 was amended by 1998 c 345 § 5, removing references to state trade fairs.

*** (3) RCW 67.16.100 was amended by 1998 c 345 § 5, removing references to the state trade fair fund, which is now regulated under RCW 43.31.805.

RCW 43.31.830 State international trade fairs--Certification of fairs--Allotments--Division and payment from state trade fair fund.

Applicable Cases

(1) It shall be the duty of the director of community, trade, and economic development to certify, from the applications received, the state international trade fair or fairs qualified and entitled to receive funds under *RCW 67.16.100, and under rules established by the director.

(2) The director shall make annual allotments to state international trade fairs determined

qualified to be entitled to participate in the state trade fair fund and shall fix times for the division of and payment from the state trade fair fund: PROVIDED, That total payment to any one state international trade fair shall not exceed sixty thousand dollars in any one year, where participation or presentation occurs within the United States, and eighty thousand dollars in any one year, where participation or presentation occurs outside the United States: PROVIDED FURTHER, That a state international trade fair may qualify for the full allotment of funds under either category. Upon certification of the allotment and division of fair funds by the director the treasurer shall proceed to pay the same to carry out the purposes of RCW 67.16.100.

[1993 c 280 § 53; 1987 c 195 § 7; 1975 1st ex.s. c 292 § 5; 1965 c 148 § 5.]

Notes:

***Reviser's note:** RCW 67.16.100 was amended by 1998 c 345 § 5, removing references to state trade fairs.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.31.832 State trade fairs--Transfer of surplus funds in state trade fair fund to general fund--Expenditure.

Applicable Cases

Funds determined to be surplus funds by the director may be transferred from the state trade fair fund to the general fund upon the recommendation of the director and the state treasurer: PROVIDED, That the director may also elect to expend up to one million dollars of such surplus on foreign trade related activities, including, but not limited to, promotion of investment, tourism, and foreign trade.

[1985 c 466 § 34; 1981 2nd ex.s. c 2 § 1; 1975 1st ex.s. c 292 § 8; 1972 ex.s. c 93 § 2.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

State trade fair fund: RCW 43.31.805.

RCW 43.31.833 State trade fairs--Transfer of surplus funds in state trade fair fund to general fund--Construction.

Applicable Cases

RCW 43.31.832 through 43.31.834 shall not be construed to interfere with the state financial aid made available under the provisions of *RCW 43.31.790 through 43.31.850 regardless of whether such aid was made available before or after May 23, 1972.

[1987 c 195 § 8; 1985 c 466 § 35; 1972 ex.s. c 93 § 3.]

Notes:

***Reviser's note:** RCW 43.31.790 was repealed by 1993 c 280 § 82, effective July 1, 1994.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.31.834 State trade fairs--Transfer of surplus funds in state trade fair fund to general fund--Construction.

Applicable Cases

RCW 43.31.832 through 43.31.834 shall be construed to supersede any provision of existing law to the contrary.

[1985 c 466 § 36; 1972 ex.s. c 93 § 4.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.31.840 State international trade fairs--Post audit of participating fairs--Reports.

Applicable Cases

The director of community, trade, and economic development shall at the end of each year for which an annual allotment has been made, conduct a post audit of all of the books and records of each state international trade fair participating in the state trade fair fund. The purpose of such post audit shall be to determine how and to what extent each participating state international trade fair has expended all of its funds.

The audit required by this section shall be a condition to future allotments of money from the state international trade fair fund, and the director shall make a report of the findings of each post audit and shall use such report as a consideration in an application for any future allocations.

[1993 c 280 § 54; 1975 1st ex.s. c 292 § 6; 1965 c 148 § 6.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.31.850 State international trade fairs--State international trade fair defined.

Applicable Cases

State international trade fair as used in *RCW 43.31.790 through 43.31.840 and **67.16.100, as now or hereafter amended, shall mean a fair supported by public agencies basically for the purpose of introducing and promoting the sale of manufactured or cultural products and services of a given area, whether presented in this state, the United States or its territories, or in a foreign country.

[1987 c 195 § 9; 1975 1st ex.s. c 292 § 7; 1965 c 148 § 8.]

Notes:

Reviser's note: *(1) RCW 43.31.790 was repealed by 1993 c 280 § 82, effective July 1, 1994.

** (2) RCW 67.16.100 was amended by 1998 c 345 § 5, removing references to state trade fairs.

RCW 43.31.855 Rural development council. (Effective until June 30, 2000.)

Applicable Cases

(1) The Washington state rural development council is established and governed by an executive committee consisting of eleven members, appointed by the governor. The members will include representatives from the following categories: Business; natural resources; agriculture; environment; economic development; education; health; human services; counties; cities; and tribal governments.

(2) *New members of the executive committee are appointed for terms of three years from the current membership list of the rural development council, as much as possible. Committee members should be people who either live, work, or provide direct services in rural areas. Committee membership must consist of no less than ninety percent of the members living in a rural area. As a transition strategy for the council, four representatives (business, counties, health, agriculture) will be appointed in 1997, four (human services, natural resources, cities, environment) in 1998, and three (economic development, tribal government, education) in 1999. The new council will be fully formed in 1999.*

(3) *The governor may make appointments from a list of candidates generated by the executive committee. The executive committee shall generate a list of at least three but not more than six candidates from recommendations from state-wide associations. The list of candidates for the county representative shall be generated by the Washington state association of counties. The list of candidates for the city representative shall be generated by the association of Washington cities. In making appointments, the governor shall consider an equitable geographic distribution.*

(4) *Members of the Washington state rural development council shall receive no compensation for their services, but shall be eligible to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.*

(5) *The department of community, trade, and economic development may provide staff support, administrative assistance, and office space to the council as available.*

(6) *The Washington state rural development council executive committee is authorized to establish operating procedures, policies, and bylaws, and appoint committees. In addition, the executive committee is responsible for hiring, evaluating, and if necessary, firing the executive [executive] director according to state policies and rules.*

(7) *The Washington state rural development council is directed to: Inform legislators, the governor's office, state agencies, and federal agencies about the rural perspective on community development issues; identify and in some cases develop recommended improvements to existing resource delivery systems; and serve as a liaison or intermediary between rural communities and public and private resource providers. The council's mission is to improve the delivery and accessibility of public and private resources to meet the needs of rural communities.*

[1997 c 377 § 1.]

RCW 43.31.856 Rural development council--Successor organization. (Effective until June 30, 2002.)

Applicable Cases

(1) *The rural development council executive committee and the department are authorized to establish a successor organization to the rural development council executive committee created under *RCW 43.31.855. The purpose of the successor organization is, at least in part, to improve the delivery and accessibility of public and private resources for meeting the needs of rural communities in Washington.*

(2) *For purposes of this section, "successor organization" means a private nonprofit*

corporation created specifically to assume responsibility for administering funds provided by the federal government and other sources to carry out the purpose state [stated] in subsection (1) of this section. A successor organization must qualify as a tax-exempt nonprofit corporation under section 501(c)(3) of the federal internal revenue code.

[1999 c 299 § 1.]

Notes:

***Reviser's note:** RCW 43.31.855 was repealed by 1999 c 151 § 901, effective July 1, 2001, and by 1999 c 299 § 5, effective June 30, 2000.

RCW 43.31.857 Rural development council--Financial contributions encouraged. (Effective until June 30, 2000.)

Applicable Cases

The legislature encourages state agencies to contribute financially to the rural development council. In addition to the United States department of agriculture and the state department of community, trade, and economic development, all state agencies, federal agencies, and state-wide associations that make a significant financial contribution to the rural development council shall be ex officio members. In particular, state agencies serving rural areas, including the departments of agriculture, fish and wildlife, ecology, employment security, health, natural resources, social and health services, and transportation, and the utilities and transportation commission, are encouraged to contribute financially. Financial contributions from state agencies along with those from the private sector and state-wide associations will enable the rural development council to leverage federal funds at a three-to-one ratio annually.

[1997 c 377 § 2.]

RCW 43.31.858 Rural development council--Transition to successor organization. (Effective until June 30, 2002.)

Applicable Cases

The executive committee and the department are authorized to take all steps reasonably necessary and proper to effect the orderly transition of the rural development council executive committee to the successor organization. This authorization includes, but is not necessarily limited to, the authority to:

(1) Transfer any equipment, records, other assets, or contracts for services to the successor organization under appropriate terms and conditions, including reasonable compensation for assets acquired with state funds;

(2) Assist in the establishment of a successor organization, including entering into contracts preparatory to the establishment of the organization; and

(3) Unless otherwise provided by agreement, assign to the successor organization any membership agreements, contracts, license, and other duties and obligations related to the rural development council.

[1999 c 299 § 2.]

RCW 43.31.859 Rural development council--Successor organization--Funding.

Applicable Cases

Notwithstanding anything to the contrary in chapter 41.06 RCW or any other provision of law, the department may contract to provide funding to a successor organization under RCW 43.31.856 to carry out activities of the organization that are consistent with the department's powers and duties. All moneys for contracts entered into under this section are subject to appropriation.

[1999 c 299 § 4.]

RCW 43.31.942 Bond anticipation notes--Pacific Northwest festival facility construction account created--Deposit of proceeds from bonds and notes.

Applicable Cases

Notes:

Reviser's note: RCW 43.31.942 was amended by 1985 c 57 § 30 without reference to its repeal by 1985 c 466 § 76, effective June 30, 1985. It has been decodified for publication purposes pursuant to RCW 1.12.025.

RCW 43.31.956 General obligation bonds--Authorized--Issuance, sale, terms, conditions, etc.--Appropriation required--Pledge and promise--Seal.

Applicable Cases

For the purpose of providing matching funds for the planning, design, construction, renovation, furnishing, and landscaping of a regionally based performing arts facility, to be known as "the Washington center for the performing arts" facility located in Thurston county within the area of the city of Olympia, and for the purpose of providing matching funds for the restoration and renovation of "the Pantages theatre" facility located in Pierce county within the area of the city of Tacoma, the state finance committee is directed and authorized to issue general obligation bonds of the state of Washington in the sum of three million dollars, or so much thereof as may be required to finance that portion of the grant by the state for the projects as provided by law: PROVIDED, That one million five hundred thousand dollars shall be allocated for the Washington center for the performing arts, to be built or renovated on real estate provided by the city of Olympia as a performing arts recreational facility for the people of the state of Washington: AND PROVIDED FURTHER, That one million five hundred thousand dollars shall be allocated for the renovation and restoration of the "Pantages theatre" as a performing arts recreational facility for the people of the state of Washington.

No bonds may be issued for the Washington center for the performing arts unless matching funds are provided or secured from the federal government, private sources, or any other sources available including funds available pursuant to chapter 67.28 RCW in the amount of one million five hundred thousand dollars for the Washington center for the performing arts and the city of Olympia provides real estate for the site of the facility.

No bonds may be issued for the Pantages theatre unless matching funds are provided or secured from the federal government, private sources, or any other sources available including funds available pursuant to chapter 67.28 RCW in the amount of one million five hundred thousand dollars for the Pantages theatre.

No bonds authorized by this section shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion or portions of the bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1981 c 244 § 1; 1979 ex.s. c 260 § 1.]

Notes:

Severability--1979 ex.s. c 260: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 260 § 7.]

RCW 43.31.960 Administration of proceeds.

Applicable Cases

The principal proceeds from the sale of the bonds authorized in RCW 43.31.956 shall be administered by the director of community, trade, and economic development.

[1995 c 399 § 72; 1987 c 195 § 10; 1979 ex.s. c 260 § 3.]

Notes:

Severability--1979 ex.s. c 260: See note following RCW 43.31.956.

RCW 43.31.962 Retirement of bonds from cultural facilities bond redemption fund of 1979--Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.

Applicable Cases

The cultural facilities bond redemption fund of 1979, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.31.956 and *43.31.958. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state finance committee to be due on such payment date and deposit the same in the cultural facilities bond redemption fund of 1979.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by RCW 43.31.956 through 43.31.964, the state general obligation bond retirement fund shall be used for purposes of RCW 43.31.956 through 43.31.964 in lieu of the cultural facilities bond redemption fund of 1979, and the cultural facilities bond redemption fund of 1979 shall cease to exist.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed by this section.

[1979 ex.s. c 260 § 4.]

Notes:

***Reviser's note:** RCW 43.31.958 was repealed by 1991 sp.s. c 13 § 122, effective July 1, 1991.

Severability--1979 ex.s. c 260: See note following RCW 43.31.956.

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.31.964 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized by RCW 43.31.956 shall be a legal investment for all state funds under state control and all funds of municipal corporations.

[1979 ex.s. c 260 § 5.]

Notes:

Severability--1979 ex.s. c 260: See note following RCW 43.31.956.

**Chapter 43.31A RCW
ECONOMIC ASSISTANCE ACT OF 1972**

RCW

43.31A.400 Economic assistance authority abolished--Transfer of duties to department of revenue.

RCW 43.31A.400 Economic assistance authority abolished--Transfer of duties to department of revenue.

Applicable Cases

The economic assistance authority established by section 2, chapter 117, Laws of 1972 ex. sess. as amended by section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. is abolished, effective June 30, 1982. Any remaining duties of the economic assistance authority are transferred to the department of revenue on that date. The public facilities construction loan and grant revolving account within the state treasury is continued to service the economic assistance authority's loans.

[1991 sp.s. c 13 § 27; 1981 c 76 § 4.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Review--Report--1981 c 76: "The economic assistance authority shall be reviewed and analyzed during the interim between the 1981 and 1982 legislative sessions by the ways and means committees of the house of representatives and senate and a report shall be presented, with any recommendations, to the forty-seventh legislature which convenes in January 1, 1982." [1981 c 76 § 3.]

Savings--1981 c 76: "This act does not affect any duty owed by a taxpayer, political subdivision of the state, or Indian tribe under the statutes repealed under section 6 of this act. The duties owed shall be administered as if the laws in section 6 of this act were not repealed. New investment tax deferral certificates under chapter 43.31A RCW shall not be issued on or after June 30, 1982. The deferral of taxes and the repayment schedules under tax deferral certificates issued before June 30, 1982, are not affected." [1981 c 76 § 7.]

Reviser's note: "Section 6 of this act" repealed, effective June 30, 1982, the following sections: RCW 43.31A.010, 43.31A.020, 43.31A.030, 43.31A.040, 43.31A.050, 43.31A.060, 43.31A.070, 43.31A.080, 43.31A.090, 43.31A.100, 43.31A.140, 43.31A.150, 43.31A.200, 43.31A.210, 43.31A.220, 43.31A.230, 43.31A.240, 43.31A.250, 43.31A.260, 43.31A.270, 43.31A.280, 43.31A.290, 43.31A.300, 43.31A.310, 43.31A.330, 43.31A.900, and 43.31A.920.

Severability--1981 c 76: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 76 § 8.]

Effective dates--1981 c 76: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Sections 1 and 2 of this act shall take effect March 1, 1981. Section 3 of this act shall take effect May 1, 1981. Sections 4, 5, 6, and 7 of this act shall take effect June 30, 1982." [1981 c 76 § 9.] Sections 1, 2, and 5 consist of the 1981 c 76 amendments to RCW 43.31A.130, 43.31A.140, and 43.31A.110, respectively; sections 3 and 7 are noted above; section 4 consists of the enactment of RCW 43.31A.400; and section 6 is a repealer (see reviser's note above).

Chapter 43.32 RCW COUNTY ROADS DESIGN STANDARDS

(Formerly Design standards committee)

RCW

43.32.010 Composition of committee.

43.32.020 Duties of committee.

RCW 43.32.010 Composition of committee.

Applicable Cases

There is created a state design standards committee of seven members, six of which shall be appointed by the executive committee of the Washington state association of counties to hold office at its pleasure and the seventh to be the state aid engineer for the department of transportation. The members to be appointed by the executive committee of the Washington state association of counties shall be restricted to the membership of such association or to those holding the office and/or performing the functions of county engineer in any of the several counties of the state.

[1982 c 145 § 4; 1971 ex.s. c 85 § 6; 1965 c 8 § 43.32.010. Prior: 1949 c 165 § 2; RRS § 6450-8.]

Notes:

Design standards committee for arterial streets: Chapter 35.78 RCW.

RCW 43.32.020 Duties of committee.

Applicable Cases

On or before January 1, 1950, and from time to time thereafter the design standards committee shall adopt uniform design standards for the county primary road systems.

[1965 c 8 § 43.32.020. Prior: 1949 c 165 § 3; RRS § 6450-8j.]

Notes:

Design standards for county roads and bridges: Chapter 36.86 RCW.

**Chapter 43.33 RCW
STATE FINANCE COMMITTEE**

RCW

- 43.33.010 Composition of committee.
- 43.33.022 Washington public deposit protection commission, state finance committee constitutes, powers, duties and functions.
- 43.33.030 Records--Administrative and clerical assistance.
- 43.33.040 Rules and regulations--Chairman.
- 43.33.130 Reports of debt management activities.

Notes:

Acquisition of highway property in advance of programmed construction, committee duties relating to: Chapter 47.12 RCW.

Bonds, notes and other evidences of indebtedness, finance committee duties: Chapter 39.42 RCW.

Committee created: RCW 43.17.070.

County held United States bonds, disposal: RCW 36.33.190.

Fiscal agencies: Chapter 43.80 RCW.

Industrial insurance, investments: RCW 51.44.100.

Intoxicating liquor warehouses, acquisition: RCW 66.08.160.

State depositaries: Chapter 43.85 RCW.

State investment board: Chapter 43.33A RCW.

Washington State University Tree Fruit Research Center office-laboratory facility, financing, finance committee powers and duties: RCW 28B.30.600 through 28B.30.620.

RCW 43.33.010 Composition of committee.

Applicable Cases

The state treasurer, the lieutenant governor, and the governor, ex officio, shall constitute the state finance committee.

[1965 c 8 § 43.33.010. Prior: 1961 c 300 § 2; 1921 c 7 § 6, part; RRS § 10764, part.]

RCW 43.33.022 Washington public deposit protection commission, state finance committee constitutes, powers, duties and functions.

Applicable Cases

See chapter 39.58 RCW.

RCW 43.33.030 Records--Administrative and clerical assistance.

Applicable Cases

The state finance committee shall keep a full and complete public record of its proceedings in appropriate books of record.

The state treasurer shall provide administrative and clerical assistance for the state finance committee.

[1981 c 3 § 24; 1965 c 8 § 43.33.030. Prior: 1961 c 300 § 4; 1907 c 12 § 2; RRS § 5537.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33.040 Rules and regulations--Chairman.

Applicable Cases

The state finance committee may make appropriate rules and regulations for the performance of its duties. The state treasurer shall act as chairman of the committee.

[1965 c 8 § 43.33.040. Prior: 1907 c 12 § 3; RRS § 5538.]

RCW 43.33.130 Reports of debt management activities.

Applicable Cases

The state finance committee shall prepare written reports at least annually summarizing the debt management activities of the finance committee, which reports shall be sent to agencies having a direct financial interest in the issuance and sale of bonds by the committee, and to other persons on written request.

[1998 c 245 § 63; 1981 c 3 § 25; 1977 ex.s. c 251 § 10.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

**Chapter 43.33A RCW
STATE INVESTMENT BOARD**

43.33A.010	General powers and duties.
43.33A.020	Board created--Membership--Terms--Vacancies--Removal.
43.33A.025	Criminal history record checks for prospective appointees or employees.
43.33A.030	Trusteeship of funds--Contracts--Delegation of powers and duties.
43.33A.035	Delegation of authority--Investments or investment properties.
43.33A.040	Quorum--Meetings--Chairperson--Vice chairperson.
43.33A.050	Compensation of members--Travel expenses.
43.33A.060	Employment restrictions.
43.33A.070	Liability of members.
43.33A.080	Investment of funds in farm, soil, water conservation loans and in Washington land bank.

43.33A.090	Records.
43.33A.100	Offices--Personnel--Officers--Compensation--Transfer of employees--Existing contracts and obligations.
43.33A.110	Rules and regulations--Investment policies and procedures.
43.33A.120	Examination of accounts, files, and other records.
43.33A.130	Securities--State treasurer may cause same to be registered in the name of the nominee.
43.33A.135	Investment policy--Investment options.
43.33A.140	Investments--Standard of investment and management.
43.33A.150	Reports of investment activities.
43.33A.160	Funding of board--State investment board expense account.
43.33A.170	Commingled trust funds--Participation of funds in investments of board.
43.33A.180	Investment accounting--Transfer of functions and duties from state treasurer's office.
43.33A.190	Self-directed investment--Board's duties.
43.33A.200	Creation of entities for investment purposes--Liability--Tax status.
43.33A.210	Assets not publicly traded--Treatment of rent and income--Management accounts--Application of this chapter and chapter 39.58 RCW.
43.33A.220	Emergency reserve fund--Board's duties.

RCW 43.33A.010 General powers and duties.

Applicable Cases

The state investment board shall exercise all the powers and perform all duties prescribed by law with respect to the investment of public trust and retirement funds.

[1981 c 3 § 1.]

Notes:

Effective dates--1981 c 3: "Sections 2, 4, 5, 6, 7, 10, 11, 16, and 47 of this 1980 act shall take effect on July 1, 1980. The remaining sections of this 1980 act shall take effect on July 1, 1981." [1981 c 3 § 46.]

Reviser's note: Substitute House Bill No. 1610 was enacted during the 1980 legislative session, but was vetoed. The veto was overridden by the legislature as follows: Passed the House of Representatives on January 30, 1981; passed the Senate on February 6, 1981. The bill became chapter 3, Laws of 1981.

Severability--1981 c 3: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 3 § 49.]

RCW 43.33A.020 Board created--Membership--Terms--Vacancies--Removal.

Applicable Cases

There is hereby created the state investment board to consist of fourteen members to be appointed as provided in this section.

(1) One member who is an active member of the public employees' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be one year.

(2) One member who is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of

nominations submitted by organizations representing active members of the system. The initial term of appointment shall be two years.

(3) One member who is an active member of the teachers' retirement system and has been an active member for at least five years. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.

(4) The state treasurer or the assistant state treasurer if designated by the state treasurer.

(5) A member of the state house of representatives. This member shall be appointed by the speaker of the house of representatives.

(6) A member of the state senate. This member shall be appointed by the president of the senate.

(7) One member who is a retired member of a state retirement system shall be appointed by the governor, subject to confirmation by the senate. The initial term of appointment shall be three years.

(8) The director of the department of labor and industries.

(9) The director of the department of retirement systems.

(10) Five nonvoting members appointed by the state investment board who are considered experienced and qualified in the field of investments.

The legislative members shall serve terms of two years. The initial legislative members appointed to the board shall be appointed no sooner than January 10, 1983. The position of a legislative member on the board shall become vacant at the end of that member's term on the board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

After the initial term of appointment, all other members of the state investment board, except ex officio members, shall serve terms of three years and shall hold office until successors are appointed. Members' terms, except for ex officio members, shall commence on January 1 of the year in which the appointments are made.

Members may be reappointed for additional terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointments. Any member may be removed from the board for cause by the member's respective appointing authority.

[1985 c 195 § 1; 1981 c 219 § 1; 1981 c 3 § 2.]

Notes:

Effective dates--1981 c 219: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately [May 14, 1981], except sections 1 and 2 of this act shall take effect July 1, 1981." [1981 c 219 § 6.] Sections 1 and 2 of this act are the 1981 c 219 amendments to RCW 43.33A.020 and 43.33A.040, respectively.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.025 Criminal history record checks for prospective appointees or employees.

Applicable Cases

(1) Notwithstanding any provision of RCW 43.43.700 through 43.43.815, the state

investment board may require a criminal history record check for conviction records through the Washington state patrol criminal identification system, and through the federal bureau of investigation, for the purpose of conducting preemployment evaluations of prospective new appointees or employees for a board staff position exempt from the provisions of chapter 41.06 RCW, or any other position in which the employee will have authority for or access to funds under the jurisdiction or responsibility of the investment board, or to data security systems of the investment board or designs for such systems. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card, which shall be forwarded by the state patrol to the federal bureau of investigation.

(2) Information received by the investment board pursuant to this section shall be made available by the investment board only to board employees involved in the selection, hiring, background investigation, or job assignment of the person who is the subject of the record check, or to that subject person, and it shall be used only for the purposes of making, supporting, or defending decisions regarding the appointment or hiring of persons for these positions, or securing any necessary bonds or other requirements for such employment. Otherwise, the reports, and information contained therein, shall remain confidential and shall not be subject to the disclosure requirements of chapter 42.17 RCW.

(3) Fees charged by the Washington state patrol, or the federal bureau of investigation, for conducting these investigations and providing these reports shall be paid by the investment board.

[1999 c 226 § 1.]

RCW 43.33A.030 Trusteeship of funds--Contracts--Delegation of powers and duties.

Applicable Cases

Trusteeship of those funds under the authority of the board is vested in the voting members of the board. The nonvoting members of the board shall advise the voting members on matters of investment policy and practices.

The board may enter into contracts necessary to carry out its powers and duties. The board may delegate any of its powers and duties to its executive director as deemed necessary for efficient administration and when consistent with the purposes of chapter 3, Laws of 1981.

Subject to guidelines established by the board, the board's executive director may delegate to board staff any of the executive director's powers and duties including, but not limited to, the power to make investment decisions and to execute investment and other contracts on behalf of the board.

[1997 c 161 § 1; 1981 c 3 § 3.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.035 Delegation of authority--Investments or investment properties.

Applicable Cases

The board or its executive director may delegate by contract to private sector or other

external advisors or managers the discretionary authority, as fiduciaries, to purchase or otherwise acquire, sell, or otherwise dispose of or manage investments or investment properties on behalf of the board, subject to investment or management criteria established by the board or its executive director. Such criteria relevant to particular investments or class of investment applicable under the board's contract with an advisor or manager must be incorporated by reference into the contract.

[1997 c 161 § 2.]

RCW 43.33A.040 Quorum--Meetings--Chairperson--Vice chairperson.

Applicable Cases

(1) A quorum to conduct the business of the state investment board consists of at least four voting members of the board before January 10, 1983, and five voting members thereafter. No action may be taken by the board without the affirmative vote of four members before January 10, 1983, and five members thereafter.

(2) The state investment board shall meet at least quarterly at such times as it may fix. The board shall elect a chairperson and vice chairperson annually: PROVIDED, That the legislative members are not eligible to serve as chairperson.

[1981 c 219 § 2; 1981 c 3 § 4.]

Notes:

Effective dates--1981 c 219: See note following RCW 43.33A.020.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.050 Compensation of members--Travel expenses.

Applicable Cases

Members of the state investment board who are public employees shall serve without compensation but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240. Members of the board who are not legislators shall be reimbursed for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060. Legislative members shall receive allowances provided for in RCW 44.04.120.

[1984 c 287 § 80; 1981 c 3 § 5.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.060 Employment restrictions.

Applicable Cases

No member during the term of appointment may be employed by any investment brokerage or mortgage servicing firm doing business with the state investment board. A trust department of a commercial bank or trust company organized under federal or state law is not considered a mortgage servicing firm for purposes of this section.

[1981 c 3 § 6.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.070 Liability of members.

Applicable Cases

No member of the state investment board is liable for the negligence, default, or failure of any other person or other member of the board to perform the duties of the member's office and no member of the board shall be considered or held to be an insurer of the funds or assets of any of the trust and retirement funds nor is any nonvoting member liable for actions performed with the exercise of reasonable diligence within the scope of the member's authorized activities as a member of the board.

[1981 c 3 § 7.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.080 Investment of funds in farm, soil, water conservation loans and in Washington land bank.

Applicable Cases

The state investment board may invest those funds which are not under constitutional prohibition in: (1) Farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones farm tenant act administered by the United States department of agriculture; and (2) the Washington land bank established by *chapter 31.30 RCW.

[1987 c 29 § 2; 1981 c 3 § 8.]

Notes:

***Reviser's note:** Chapter 31.30 RCW was repealed by 1998 c 12 § 1.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.090 Records.

Applicable Cases

The state investment board shall keep a full and complete public record of its proceedings in appropriate books of record. Within sixty days of July 1, 1981, the state investment board shall assume physical custody of all investment accounts, files, and other records of each fund placed under the investment authority of the board.

[1981 c 3 § 9.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.100 Offices--Personnel--Officers--Compensation--Transfer of

employees--Existing contracts and obligations.

Applicable Cases

The state investment board shall maintain appropriate offices and employ such personnel as may be necessary to perform its duties. Employment by the investment board shall include but not be limited to an executive director, investment officers, and a confidential secretary, which positions are exempt from classified service under chapter 41.06 RCW. Employment of the executive director by the board shall be for a term of three years, and such employment shall be subject to confirmation of the state finance committee: PROVIDED, That nothing shall prevent the board from dismissing the director for cause before the expiration of the term nor shall anything prohibit the board, with the confirmation of the state finance committee, from employing the same individual as director in succeeding terms. Compensation levels for the investment officers employed by the investment board shall be established by the Washington personnel resources board.

As of July 1, 1981, all employees classified under chapter 41.06 RCW and engaged in duties assumed by the state investment board on July 1, 1981, are assigned to the state investment board. The transfer shall not diminish any rights granted these employees under chapter 41.06 RCW nor exempt the employees from any action which may occur thereafter in accordance with chapter 41.06 RCW.

All existing contracts and obligations pertaining to the functions transferred to the state investment board in *this 1980 act shall remain in full force and effect, and shall be performed by the board. None of the transfers directed by *this 1980 act shall affect the validity of any act performed by a state entity or by any official or employee thereof prior to July 1, 1981.

[1993 c 281 § 50; 1981 c 219 § 3; 1981 c 3 § 10.]

Notes:

***Reviser's note:** For "this 1980 act," see note following RCW 43.33A.030.

Effective date--1993 c 281: See note following RCW 41.06.022.

Effective dates--1981 c 219: See note following RCW 43.33A.020.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.110 Rules and regulations--Investment policies and procedures.

Applicable Cases

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.52 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.05 RCW.

[1994 c 154 § 310; 1989 c 179 § 1; 1988 c 130 § 1; 1981 c 219 § 4; 1981 c 3 § 11.]

Notes:

Parts and captions not law--Effective date--Severability--1994 c 154: See RCW 42.52.902, 42.52.904, and 42.52.905.

Effective dates--1981 c 219: See note following RCW 43.33A.020.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.120 Examination of accounts, files, and other records.

Applicable Cases

All accounts, files, and other records of the state investment board which pertain to each retirement system are subject at any time or from time to time to such reasonable periodic, special, or other examinations by the department of retirement systems as the director of the department of retirement systems deems necessary or appropriate.

[1981 c 3 § 12.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.130 Securities--State treasurer may cause same to be registered in the name of the nominee.

Applicable Cases

The state treasurer may cause any securities in which the state investment board deals to be registered in the name of a nominee without mention of any fiduciary relationship, except that adequate records shall be maintained to identify the actual owner of the security so registered. The securities so registered shall be held in the physical custody of the state treasurer, the federal reserve system, the designee of the state treasurer, or, at the election of the designee and upon approval of the state treasurer, the Depository Trust Company of New York City or its designees.

With respect to the securities, the nominee shall act only upon the order of the state investment board. All rights to the dividends, interest, and sale proceeds from the securities and all voting rights of the securities are vested in the actual owners of the securities, and not in the nominee.

[1999 c 228 § 1; 1981 c 3 § 13.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.135 Investment policy--Investment options.

Applicable Cases

The state investment board has the full power to establish investment policy, develop participant investment options, and manage investment funds for the state deferred compensation plan, consistent with the provisions of RCW 41.50.770 and 41.50.780. The board may continue to offer the investment options provided as of June 11, 1998, until the board establishes a deferred compensation plan investment policy and adopts new investment options after considering the recommendations of the employee retirement benefits board.

[1998 c 116 § 13.]

RCW 43.33A.140 Investments--Standard of investment and management.

Applicable Cases

The state investment board shall invest and manage the assets entrusted to it with reasonable care, skill, prudence, and diligence under circumstances then prevailing which a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an activity of like character and purpose.

The board shall:

(1) Consider investments not in isolation, but in the context of the investment of the particular fund as a whole and as part of an overall investment strategy, which should incorporate risk and return objectives reasonably suited for that fund; and

(2) Diversify the investments of the particular fund unless, because of special circumstances, the board reasonably determines that the purposes of that fund are better served without diversifying. However, no corporate fixed-income issue or common stock holding may exceed three percent of the cost or six percent of the market value of the assets of that fund.

[1998 c 14 § 1; 1981 c 3 § 14.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.150 Reports of investment activities.

Applicable Cases

(1) The state investment board shall prepare written reports at least quarterly summarizing the investment activities of the state investment board, which reports shall be sent to the governor, the senate ways and means committee, the house appropriations committee, the department of retirement systems, and other agencies having a direct financial interest in the investment of funds by the board, and to other persons on written request. The state investment board shall provide information to the department of retirement systems necessary for the preparation of monthly reports.

(2) At least annually, the board shall report on the board's investment activities for the department of labor and industries' accident, medical aid, and reserve funds to the senate financial institutions and insurance committee, the senate economic development and labor committee, and the house commerce and labor committee, or appropriate successor committees.

[1989 c 179 § 2; 1981 c 3 § 15.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.160 Funding of board--State investment board expense account.

Applicable Cases

(1) The state investment board shall be funded from the earnings of the funds managed by

the state investment board, proportional to the value of the assets of each fund, subject to legislative appropriation.

(2) There is established in the state treasury a state investment board expense account from which shall be paid the operating expenses of the state investment board. Prior to November 1 of each even-numbered year, the state investment board shall determine and certify to the state treasurer and the office of financial management the value of the various funds managed by the investment board in order to determine the proportional liability of the funds for the operating expenses of the state investment board. Pursuant to appropriation, the state treasurer is authorized to transfer such moneys from the various funds managed by the investment board to the state investment board expense account as are necessary to pay the operating expenses of the investment board.

[1991 sp.s. c 13 § 32; 1985 c 57 § 32; 1982 c 10 § 10. Prior: 1981 c 242 § 1; 1981 c 219 § 5; 1981 c 3 § 16.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1982 c 10: See note following RCW 6.13.080.

Effective dates--1981 c 242: See note following RCW 43.79.330.

Effective dates--1981 c 219: See note following RCW 43.33A.020.

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.33A.170 Commingled trust funds--Participation of funds in investments of board.

Applicable Cases

The state investment board is authorized to establish commingled trust funds in the state treasury for the implementation of specific investment programs for any combination of funds under its jurisdiction. At the discretion of the state investment board, the funds under the jurisdiction of the board may participate in the investments made by the board through state investment board commingled trust funds. The state investment board may establish accounts within any such commingled trust fund as necessary for the implementation of specific investment programs. The combining of moneys from funds located outside the state treasury with moneys from funds located within the state treasury for investment under this section shall not affect the nature, character, or purpose of a participating fund.

[1999 c 227 § 1; 1982 c 58 § 1.]

RCW 43.33A.180 Investment accounting--Transfer of functions and duties from state treasurer's office.

Applicable Cases

The state investment board shall account for and report on the investments authorized by this chapter in the manner prescribed by the office of financial management under chapter 43.88 RCW.

After approval of the director of financial management, all positions, reports, documents, and office equipment along with any appropriation necessary for carrying out the functions and

duties transferred shall, on July 1, 1992, be transferred from the state treasurer's office to the state investment board. All employees assigned to such classified positions to be transferred, are assigned, without any loss of rights, to the state investment board.

[1992 c 232 § 905.]

Notes:

Severability--1992 c 232: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 232 § 911.]

RCW 43.33A.190 Self-directed investment--Board's duties.

Applicable Cases

Pursuant to RCW 41.34.130, the state investment board shall invest all self-directed investment moneys under teachers' retirement system plan III and the school employees' retirement system plan III, with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

[1998 c 341 § 707; 1995 c 239 § 321.]

Notes:

Effective date--1998 c 341: See note following RCW 41.34.060.

Intent--Purpose--1995 c 239: See note following RCW 41.32.831.

Effective date--Part and subchapter headings not law--1995 c 239: See notes following RCW 41.32.005.

Benefits not contractual right until date specified: RCW 41.34.100.

RCW 43.33A.200 Creation of entities for investment purposes--Liability--Tax status.

Applicable Cases

(1) The board is authorized to create corporations under Title 23B RCW, limited liability companies under chapter 25.15 RCW, and limited partnerships under chapter 25.10 RCW, of which it may or may not be the general partner, for the purposes of transferring, acquiring, holding, overseeing, operating, or disposing of real estate or other investment assets that are not publicly traded on a daily basis or on an organized exchange. The liability of each entity created by the board is limited to the assets or properties of that entity. No creditor or other person has any right of action against the board, its members or employees, or the state of Washington on account of any debts, obligations, or liabilities of the entity. Entities created under this section may be authorized by the board to make any investment that the board may make, including but not limited to the acquisition of: Equity interests in operating companies, the indebtedness of operating companies, and real estate.

(2) Directors, officers, and other principals of entities created under this section must be board members, board staff, or principals or employees of an advisor or manager engaged by contract by the board or the entity to manage real estate or other investment assets of the entity. Directors of entities created under this section must be appointed by the board. Officers and other principals of entities created under this section are appointed by the directors.

(3) A public corporation, limited liability company, or limited partnership created under this section has the same immunity or exemption from taxation as that of the state. The entity shall pay an amount equal to the amounts that would be paid for taxes otherwise levied upon real property and personal property to the public official charged with the collection of such real property and personal property taxes as if the property were in private ownership. The proceeds of such payments must be allocated as though the property were in private ownership.

[1997 c 359 § 1.]

RCW 43.33A.210 Assets not publicly traded--Treatment of rent and income--Management accounts--Application of this chapter and chapter 39.58 RCW.

Applicable Cases

Rent and other income from real estate or other investment assets that are not publicly traded on a daily basis or on an organized exchange that are acquired and being held for investment by the board or by an entity created under RCW 43.33A.200 by the board, and being managed by an external advisor or other property manager under contract, shall not be deemed income or state funds for the purposes of chapter 39.58 RCW and this title, until distributions are made to the board of such income from the advisor or manager. Bank and other accounts established by the advisor or property manager for the purpose of the management of such investment assets shall not be deemed accounts established by the state for the purpose of chapter 39.58 RCW and this title.

[1997 c 359 § 2.]

RCW 43.33A.220 Emergency reserve fund--Board's duties.

Applicable Cases

Pursuant to RCW 43.135.051, the state investment board shall invest moneys in the emergency reserve fund established in chapter 43.135 RCW with full power to establish investment policies for the fund.

[1999 c 288 § 2.]

Notes:

Effective date--1999 c 288: See note following RCW 43.135.051.

**Chapter 43.34 RCW
CAPITOL COMMITTEE**

RCW

- 43.34.010 Composition of committee.
- 43.34.015 Secretary of committee--Committee records.
- 43.34.040 Buildings--Erection--Improvements.
- 43.34.080 Capitol campus design advisory committee--Generally.

Notes:

Capitol building lands: Chapter 79.24 RCW.

Committee created: RCW 43.17.070.

East capitol site, powers and duties concerning: RCW 79.24.500.

Housing for state offices, duties: RCW 43.82.010.

RCW 43.34.010 Composition of committee.

Applicable Cases

The governor or the governor's designee, the lieutenant governor, the secretary of state, and the commissioner of public lands, ex officio, shall constitute the state capitol committee.

[1997 c 279 § 1; 1979 ex.s. c 57 § 10; 1965 c 8 § 43.34.010. Prior: 1961 c 300 § 5; 1921 c 7 § 8; RRS § 10766.]

RCW 43.34.015 Secretary of committee--Committee records.

Applicable Cases

The commissioner of public lands shall be the secretary of the state capitol committee, but the committee may appoint a suitable person as acting secretary thereof, and fix his or her compensation. However, all records of the committee shall be filed in the office of the commissioner of public lands.

[1997 c 279 § 2; 1965 c 8 § 43.34.015. Prior: 1959 c 257 § 45; 1909 c 69 § 1; RRS § 7897. Formerly RCW 79.24.080.]

RCW 43.34.040 Buildings--Erection--Improvements.

Applicable Cases

The state capitol committee may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the "Sylvester site" or "Capitol place" in Olympia, Washington.

[1965 c 8 § 43.34.040. Prior: 1933 ex.s. c 34 § 1; RRS § 7915-1.]

RCW 43.34.080 Capitol campus design advisory committee--Generally.

Applicable Cases

(1) The capitol campus design advisory committee is established as an advisory group to the capitol committee and the director of general administration to review programs, planning, design, and landscaping of state capitol facilities and grounds and to make recommendations that will contribute to the attainment of architectural, aesthetic, functional, and environmental excellence in design and maintenance of capitol facilities on campus and located in neighboring communities.

(2) The advisory committee shall consist of the following persons who shall be appointed by and serve at the pleasure of the governor:

- (a) Two architects;
- (b) A landscape architect; and

(c) An urban planner.

The governor shall appoint the chair and vice-chair and shall instruct the director of general administration to provide the staff and resources necessary for implementing this section. The advisory committee shall meet at least once every ninety days and at the call of the chair.

The members of the committee shall be reimbursed as provided in RCW 43.03.220 and 44.04.120.

(3) The advisory committee shall also consist of the secretary of state and two members of the house of representatives, one from each caucus, who shall be appointed by the speaker of the house of representatives, and two members of the senate, one from each caucus, who shall be appointed by the president of the senate.

(4) The advisory committee shall review plans and designs affecting state capitol facilities as they are developed. The advisory committee's review shall include:

(a) The process of solicitation and selection of appropriate professional design services including design-build proposals;

(b) Compliance with the capitol campus master plan and design concepts as adopted by the capitol committee;

(c) The design, siting, and grouping of state capitol facilities relative to the service needs of state government and the impact upon the local community's economy, environment, traffic patterns, and other factors;

(d) The relationship of overall state capitol facility planning to the respective comprehensive plans for long-range urban development of the cities of Olympia, Lacey, and Tumwater, and Thurston county; and

(e) Landscaping plans and designs, including planting proposals, street furniture, sculpture, monuments, and access to the capitol campus and buildings.

[1990 c 93 § 1.]

Chapter 43.37 RCW WEATHER MODIFICATION

RCW

43.37.010	Definitions.
43.37.030	Powers and duties.
43.37.040	Promotion of research and development activities--Contracts and agreements.
43.37.050	Hearing procedure.
43.37.060	Acceptance of gifts, donations, etc.
43.37.080	License and permit required.
43.37.090	Exemptions.
43.37.100	Licenses--Requirements, duration, renewal, fees.
43.37.110	Permits--Requirements--Hearing as to issuance.
43.37.120	Separate permit for each operation--Filing and publishing notice of intention--Activities restricted by permit and notice.
43.37.130	Notice of intention--Contents.
43.37.140	Notice of intention--Publication.

43.37.150	Financial responsibility.
43.37.160	Fees--Sanctions for failure to pay.
43.37.170	Records and reports--Open to public examination.
43.37.180	Revocation, suspension, modification of license or permit.
43.37.190	Liability of state denied--Legal rights of private persons not affected.
43.37.200	Penalty.
43.37.210	Legislative declaration.
43.37.215	Program of emergency cloud seeding authorized.
43.37.220	Exemption of licensee from certain requirements.
43.37.910	Effective date--1973 c 64.

RCW 43.37.010 Definitions.

Applicable Cases

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

- (1) "Department" means the department of ecology;
- (2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;
- (3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;
- (4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

[1973 c 64 § 1; 1965 c 8 § 43.37.010. Prior: 1957 c 245 § 1.]

RCW 43.37.030 Powers and duties.

Applicable Cases

In the performance of its functions the department may, in addition to any other acts authorized by law:

- (1) Establish advisory committees to advise with and make recommendations to the department concerning legislation, policies, administration, research, and other matters;
- (2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the department may deem necessary or desirable to minimize danger to health or property; and make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information, and hold such hearings as the department may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) Appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment, and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the department's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control.

[1973 c 64 § 2; 1965 c 8 § 43.37.030. Prior: 1957 c 245 § 3.]

RCW 43.37.040 Promotion of research and development activities--Contracts and agreements.

Applicable Cases

The department shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the department may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials, and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial, and other purposes;

(3) The protection of life and property during research and operational activities.

[1973 c 64 § 3; 1965 c 8 § 43.37.040. Prior: 1957 c 245 § 4.]

RCW 43.37.050 Hearing procedure.

Applicable Cases

In the case of hearings pursuant to RCW 43.37.180 the department shall, and in other cases may, cause a record of the proceedings to be taken and filed with the department, together with its findings and conclusions. For any hearing, the director of the department or a representative designated by him is authorized to administer oaths and affirmations, examine witnesses, and issue, in the name of the department, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place.

[1973 c 64 § 4; 1965 c 8 § 43.37.050. Prior: 1957 c 245 § 5.]

RCW 43.37.060 Acceptance of gifts, donations, etc.

Applicable Cases

(1) The department may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, subject to any limitations otherwise provided by law, for the encouragement of research and development by a state, public, or private agency, either by direct grant, by contract or other cooperative means.

(2) All license and permit fees paid to the department shall be deposited in the state general fund.

[1973 c 64 § 5; 1965 c 8 § 43.37.060. Prior: 1957 c 245 § 6.]

RCW 43.37.080 License and permit required.

Applicable Cases

Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the department authorizing such activities.

[1973 c 64 § 6; 1965 c 8 § 43.37.080. Prior: 1957 c 245 § 8.]

RCW 43.37.090 Exemptions.

Applicable Cases

The department, to the extent it deems practical, shall provide by regulation for exempting from license, permit, and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet, or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail.

[1973 c 64 § 7; 1965 c 8 § 43.37.090. Prior: 1957 c 245 § 9.]

RCW 43.37.100 Licenses--Requirements, duration, renewal, fees.

Applicable Cases

(1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the department, reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The department shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or

renewed only upon the payment to the department of one hundred dollars for the license or renewal thereof.

[1973 c 64 § 8; 1965 c 8 § 43.37.100. Prior: 1957 c 245 § 10.]

RCW 43.37.110 Permits--Requirements--Hearing as to issuance.

Applicable Cases

The department shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

- (1) If the applicant is licensed pursuant to this chapter;
- (2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;
- (3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the department but not to exceed twenty thousand dollars;
- (4) If the fee for a permit is paid as required by RCW 43.37.160;
- (5) If the weather modification and control activities to be conducted under authority of the permit are determined by the department to be for the general welfare and public good;
- (6) If the department has held an open public hearing in Olympia as to such issuance.

[1973 c 64 § 9; 1965 c 8 § 43.37.110. Prior: 1961 c 154 § 2; 1957 c 245 § 11.]

RCW 43.37.120 Separate permit for each operation--Filing and publishing notice of intention--Activities restricted by permit and notice.

Applicable Cases

A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the department and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the department; and his activities shall also conform to any conditions imposed by the department upon the issuance of the permit or to the terms of the permit as modified after issuance.

[1973 c 64 § 10; 1965 c 8 § 43.37.120. Prior: 1961 c 154 § 3; 1957 c 245 § 12.]

RCW 43.37.130 Notice of intention--Contents.

Applicable Cases

The notice of intention shall set forth at least all the following:

- (1) The name and address of the licensee;
- (2) The nature and object of the intended operation and the person or organization on whose behalf it is to be conducted;
- (3) The area in which and the approximate time during which the operation will be conducted;
- (4) The area which is intended to be affected by the operation;

(5) The materials and methods to be used in conducting the operation.

[1965 c 8 § 43.37.130. Prior: 1957 c 245 § 13.]

RCW 43.37.140 Notice of intention--Publication.

Applicable Cases

(1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a legal newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a legal newspaper having a general circulation and published within each of such counties. In case there is no legal newspaper published within the appropriate county, publication shall be made in a legal newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the department within fifteen days from the date of the last publication of the notice.

[1973 c 64 § 11; 1965 c 8 § 43.37.140. Prior: 1961 c 154 § 4; 1957 c 245 § 14.]

RCW 43.37.150 Financial responsibility.

Applicable Cases

Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the department, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit.

[1973 c 64 § 12; 1965 c 8 § 43.37.150. Prior: 1957 c 245 § 15.]

RCW 43.37.160 Fees--Sanctions for failure to pay.

Applicable Cases

The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the department from the evidence available to it. The fee is due and payable to the department as of the date of the issuance of the permit; however, if the applicant is able to give to the department satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license or to issue any further permits to such person.

[1973 c 64 § 13; 1965 c 8 § 43.37.160. Prior: 1957 c 245 § 16.]

RCW 43.37.170 Records and reports--Open to public examination.

Applicable Cases

(1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the department and shall report the same to the department at the time and in the manner required.

(2) The department shall require written reports in such manner as it provides but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the department shall require written reports from such organizations as are exempted from license, permit, and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the department shall be open for public examination.

[1973 c 64 § 14; 1965 c 8 § 43.37.170. Prior: 1957 c 245 § 17.]

RCW 43.37.180 Revocation, suspension, modification of license or permit.

Applicable Cases

(1) The department may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The department may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The department may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The department may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the department that it is necessary for the protection of the health or the property of any person to make the modification proposed.

[1973 c 64 § 15; 1965 c 8 § 43.37.180. Prior: 1957 c 245 § 18.]

RCW 43.37.190 Liability of state denied--Legal rights of private persons not affected.

Applicable Cases

Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the department, or any state officials or employees for any weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties, or liabilities between any private persons or groups.

[1973 c 64 § 16; 1965 c 8 § 43.37.190. Prior: 1957 c 245 § 19.]

RCW 43.37.200 Penalty.

Applicable Cases

Any person violating any of the provisions of this chapter or any lawful regulation or order issued pursuant thereto, shall be guilty of a misdemeanor; and a continuing violation is punishable as a separate offense for each day during which it occurs.

[1965 c 8 § 43.37.200. Prior: 1957 c 245 § 20.]

RCW 43.37.210 Legislative declaration.

Applicable Cases

The legislature finds and declares that when prolonged lack of precipitation or shortages of water supply in the state cause severe hardships affecting the health, safety, and welfare of the people of the state, a program to increase precipitation is occasionally needed for the generation of hydroelectric power, for domestic purposes, and to alleviate hardships created by the threat of forest fires and shortages of water for agriculture. Cloud seeding has been demonstrated to be such a program of weather modification with increasing scientific certainty.

[1981 c 278 § 1.]

RCW 43.37.215 Program of emergency cloud seeding authorized.

Applicable Cases

The director of ecology may establish by rule under chapter 34.05 RCW a program of emergency cloud seeding. The director may include in these rules standards and guidelines for determining the situations which warrant cloud seeding and the means to be used for cloud seeding.

[1981 c 278 § 2.]

Notes:

Actions during state of emergency exempt from chapter 43.21C RCW: RCW 43.21C.210.

RCW 43.37.220 Exemption of licensee from certain requirements.

Applicable Cases

Upon a proclamation of a state of emergency, related to a lack of precipitation or a shortage of water supply, by the governor under RCW 43.06.210, the department shall exempt a licensee from the requirements of RCW 43.37.110 (2) and (6) and RCW 43.37.140.

[1981 c 278 § 3.]

Notes:

Actions during state of emergency exempt from chapter 43.21C RCW: RCW 43.21C.210.

RCW 43.37.910 Effective date--1973 c 64.

Applicable Cases

The effective date of this 1973 amendatory act shall be July 1, 1973.

[1973 c 64 § 18.]

Chapter 43.41 RCW
OFFICE OF FINANCIAL MANAGEMENT

RCW

43.41.030	Purpose.
43.41.035	Office of program planning and fiscal management redesignated office of financial management.
43.41.040	Definitions.
43.41.050	Office of financial management created--Transfer of powers, duties, and functions.
43.41.060	Director--Appointment--Salary--Vacancy--Delegation of powers and duties.
43.41.070	Personnel.
43.41.080	Deputy and assistant directors.
43.41.090	State civil service law--Certain personnel of office of financial management exempted.
43.41.100	Director's powers and duties.
43.41.102	Director--Contract for collection and tabulation of census block statistics.
43.41.104	Settlement and payment of accounts--Duty to require.
43.41.106	Settlement and payment of accounts--Authority to require testimony and evidence.
43.41.110	Powers and duties of office of financial management.
43.41.120	Advisory or coordinating councils.
43.41.130	Passenger motor vehicles owned or operated by state agencies--Duty to establish policies as to acquisition, operation, authorized use, etc.--Use of gasohol and alternative fuels.
43.41.140	Employee commuting in state-owned or leased vehicle--Policies and regulations.
43.41.150	Inventory of state land resources--Developing and maintaining--Summaries.
43.41.160	State health care cost containment policies.
43.41.170	Budgeting process--Agencies implementing energy conservation to retain cost savings.
43.41.180	Electronic funds and information transfer--State agency use.
43.41.190	Community network programs--Recommended legislation.
43.41.195	Community networks--Fund distribution formula.
43.41.220	Review of boards and commissions by governor--Report--Termination--Transfers.
43.41.230	Boards and commissions reviewed--Exceptions.
43.41.240	Approval of board or commission not established or required by statute.
43.41.250	Criteria for new board or commission not established or required by statute.
43.41.260	Monitoring enrollee level in basic health plan and medicaid caseload of children--Funding levels adjustment.
43.41.905	Interagency task force on unintended pregnancy.
43.41.940	Central budget agency abolished.
43.41.950	Saving--1969 ex.s. c 239.
43.41.970	Federal requirements for receipt of federal funds.
43.41.980	Severability--1969 ex.s. c 239.

Notes:

Reviser's note: Throughout this chapter the phrase "this 1969 amendatory act" or "this act" has been changed to "this chapter". The phrase also includes RCW 43.88.020, 43.88.025 and 41.06.075.

Assessments and charges against state lands: Chapter 79.44 RCW.

Budgeting, accounting, and reporting system, powers and duties: Chapter 43.88 RCW.

Checks and drafts, form prescribed by: RCW 43.88.160.

Classes and number of positions for agencies fixed by: RCW 43.88.160.

Corrective measures by agencies, duties to enforce: RCW 43.88.160.
Development of definitions, criteria, and procedures for the operating cost of instruction--Educational cost study: RCW 28B.15.070.
Efficiency surveys and analyses of agencies: RCW 43.88.160.
Employee training authorized: RCW 43.88.160.
Inventory of state-owned or leased facilities--Report: RCW 43.82.150.
Motor vehicle fund, distribution of amount to counties, office to furnish information: RCW 46.68.124.
Moving expenses of state officers and employees, approval by: RCW 43.03.110.
Occupational forecast--Agency consultation: RCW 50.38.030.
Pay and classification plans, review of: RCW 43.88.160.
Personal service contracts, filing with office of financial management, duties: Chapter 39.29 RCW.
Public printing, duties concerning: Chapter 43.78 RCW.
Regulations, duty to promulgate: RCW 43.88.160.
Regulatory fairness act, office of financial management participation: Chapter 19.85 RCW.
Reports of agencies, authority to require: RCW 43.88.160.
Reports to governor, duplication of effort or lack of coordination between agencies: RCW 43.88.160.
Requirements to seek federal waivers and state law changes to medical assistance programs: RCW 43.20A.860.
State employees' retirement system, duties: RCW 41.40.048.
Subsistence allowance for officials and employees, director to prescribe: RCW 43.03.050.
Tort claims against state, duties: Chapter 4.92 RCW.
Warrants or checks, form prescribed by: RCW 43.88.160.

RCW 43.41.030 Purpose.

Applicable Cases

The legislature finds that the need for long-range state program planning and for the short-range planning carried on through the budget process, complement each other. The biennial budget submitted to the legislature must be considered in the light of the longer-range plans and goals of the state. The effectiveness of the short-range plan presented as budget proposals, cannot be measured without being aware of these longer-range goals. Thus efficient management requires that the planning and fiscal activities of state government be integrated into a unified process. It is the purpose of this chapter to bring these functions together in a new division of the office of the governor to be called the office of financial management.

[1979 c 151 § 109; 1969 ex.s. c 239 § 1.]

RCW 43.41.035 Office of program planning and fiscal management redesignated office of financial management.

Applicable Cases

From and after September 21, 1977, the office of program planning and fiscal management shall be known and designated as the office of financial management.

[1977 ex.s. c 114 § 1.]

RCW 43.41.040 Definitions.

Applicable Cases

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

(1) "Office" means the office of financial management.

(2) "Director" means the director of financial management.

(3) "Agency" means and includes every state agency, office, officer, board, commission, department, state institution, or state institution of higher education, which includes all state universities, regional universities, The Evergreen State College, and community and technical colleges.

[1993 c 500 § 4; 1979 c 151 § 110; 1969 ex.s. c 239 § 2.]

Notes:

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

RCW 43.41.050 Office of financial management created--Transfer of powers, duties, and functions.

Applicable Cases

There is created in the office of the governor, the office of financial management which shall be composed of the present central budget agency and the state planning, program management, and population and research divisions of the present *planning and community affairs agency. Any powers, duties and functions assigned to the central budget agency, or any state planning, program management, or population and research functions assigned to the present *planning and community affairs agency by the 1969 legislature, shall be transferred to the office of financial management.

[1979 c 151 § 111; 1969 ex.s. c 239 § 3.]

Notes:

***Reviser's note:** "Planning and community affairs agency" means "department of community development." See RCW 43.63A.045.

RCW 43.41.060 Director--Appointment--Salary--Vacancy--Delegation of powers and duties.

Applicable Cases

The executive head of the office of financial management shall be the director, who shall be appointed by the governor with the consent of the senate, and who shall serve at the pleasure of the governor. He shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in his position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director may delegate such of his powers, duties and functions to other officers and employees of the department as he may deem necessary to the fulfillment of the purposes of this chapter.

[1979 c 151 § 112; 1969 ex.s. c 239 § 4.]

RCW 43.41.070 Personnel.

Applicable Cases

The director shall have the power to employ such personnel as may be necessary for the general administration of the office: PROVIDED, That, except as elsewhere specified in this chapter, such employment is in accordance with the rules of the state civil service law, chapter 41.06 RCW.

[1969 ex.s. c 239 § 5.]

RCW 43.41.080 Deputy and assistant directors.

Applicable Cases

The director may appoint such deputy directors and assistant directors as shall be needed to administer the office of financial management. The officers appointed under this section and exempt from the provisions of the state civil service law by the terms of RCW 41.06.075, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

[1979 c 151 § 113; 1969 ex.s. c 239 § 6.]

RCW 43.41.090 State civil service law--Certain personnel of office of financial management exempted.

Applicable Cases

See RCW 41.06.075.

RCW 43.41.100 Director's powers and duties.

Applicable Cases

The director of financial management shall:

- (1) Supervise and administer the activities of the office of financial management.
- (2) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget and accounting system.
- (3) Advise the governor and the legislature with respect to matters affecting program management and planning.
- (4) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning.

The director may enter into contracts on behalf of the state to carry out the purposes of this chapter; he may act for the state in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter; and he may accept gifts and grants, whether such grants be of federal or other funds.

[1979 c 151 § 114; 1969 ex.s. c 239 § 8.]

RCW 43.41.102 Director--Contract for collection and tabulation of census block statistics.

Applicable Cases

Subject to a specific appropriation for that purpose, the director of financial management is hereby authorized and directed to contract with the United States bureau of census for collection and tabulation of block statistics in any or all cities and towns.

[1979 c 151 § 115; 1977 ex.s. c 128 § 5.]

Notes:

Severability--1977 ex.s. c 128: See note following RCW 29.04.040.

RCW 43.41.104 Settlement and payment of accounts--Duty to require.

Applicable Cases

Upon receipt of information from the state auditor as provided in *RCW 43.09.050(5) as now or hereafter amended, the director of financial management shall require all persons who have received any moneys belonging to the state and have not accounted therefor, to settle their accounts and make payment thereof.

[1979 c 151 § 116; 1977 ex.s. c 144 § 10.]

Notes:

***Reviser's note:** RCW 43.09.050 was amended by 1992 c 118 § 6, changing subsection (5) to subsection (6).

RCW 43.41.106 Settlement and payment of accounts--Authority to require testimony and evidence.

Applicable Cases

The director of financial management may, in his discretion, require any person presenting an account for settlement to be sworn before him, and to answer, orally or in writing, as to any facts relating to it.

[1979 c 151 § 117; 1977 ex.s. c 144 § 11.]

RCW 43.41.110 Powers and duties of office of financial management.

Applicable Cases

The office of financial management shall:

(1) Provide technical assistance to the governor and the legislature in identifying needs and in planning to meet those needs through state programs and a plan for expenditures.

(2) Perform the comprehensive planning functions and processes necessary or advisable for state program planning and development, preparation of the budget, inter-departmental and inter-governmental coordination and cooperation, and determination of state capital improvement requirements.

(3) Provide assistance and coordination to state agencies and departments in their preparation of plans and programs.

(4) Provide general coordination and review of plans in functional areas of state government as may be necessary for receipt of federal or state funds.

(5) Participate with other states or subdivisions thereof in interstate planning.

(6) Encourage educational and research programs that further planning and provide administrative and technical services therefor.

(7) Carry out the provisions of RCW 43.62.010 through 43.62.050 relating to the state census.

(8) Be the official state participant in the federal-state cooperative program for local population estimates and as such certify all city and county special censuses to be considered in the allocation of state and federal revenues.

(9) Be the official state center for processing and dissemination of federal decennial or quinquennial census data in cooperation with other state agencies.

(10) Be the official state agency certifying annexations, incorporations, or disincorporations to the United States bureau of the census.

(11) Review all United States bureau of the census population estimates used for federal revenue sharing purposes and provide a liaison for local governments with the United States bureau of the census in adjusting or correcting revenue sharing population estimates.

(12) Provide fiscal notes depicting the expected fiscal impact of proposed legislation in accordance with chapter 43.88A RCW.

(13) Be the official state agency to estimate and manage the cash flow of all public funds as provided in chapter 43.88 RCW. To this end, the office shall adopt such rules as are necessary to manage the cash flow of public funds.

[1981 2nd ex.s. c 4 § 13; 1979 c 10 § 3. Prior: 1977 ex.s. c 110 § 4; 1977 ex.s. c 25 § 6; 1969 ex.s. c 239 § 11.]

Notes:

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

RCW 43.41.120 Advisory or coordinating councils.

Applicable Cases

The director or the governor may establish such additional advisory or coordinating councils as may be necessary to carry out the purposes of this chapter. Members of such councils shall serve at the pleasure of the governor. They shall receive no compensation for their services, but shall be reimbursed for travel expenses while engaged in business of the councils in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1975-'76 2nd ex.s. c 34 § 114; 1969 ex.s. c 239 § 12.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.41.130 Passenger motor vehicles owned or operated by state agencies--Duty to

establish policies as to acquisition, operation, authorized use, etc.--Use of gasohol and alternative fuels.

Applicable Cases

The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use.

Such policies shall also include the widest possible use of gasohol and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.

[1982 c 163 § 13; 1980 c 169 § 1; 1979 c 111 § 12; 1975 1st ex.s. c 167 § 5.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

Severability--1979 c 111: See note following RCW 46.74.010.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

Commuter ride sharing: Chapter 46.74 RCW.

Motor vehicle management and transportation: RCW 43.19.500 through 43.19.635.

RCW 43.41.140 Employee commuting in state-owned or leased vehicle--Policies and regulations.

Applicable Cases

Pursuant to policies and regulations promulgated by the office of financial management, an elected state officer or delegate or a state agency director or delegate may permit an employee to commute in a state-owned or leased vehicle if such travel is on official business, as determined in accordance with RCW 43.41.130, and is determined to be economical and advantageous to the state, or as part of a commute trip reduction program as required by RCW 70.94.551.

[1993 c 394 § 3; 1979 c 151 § 119; 1975 1st ex.s. c 167 § 15.]

Notes:

Finding--Purpose--1993 c 394: See note following RCW 43.01.220.

Severability--1975 1st ex.s. c 167: See note following RCW 43.19.010.

RCW 43.41.150 Inventory of state land resources--Developing and maintaining--Summaries.

Applicable Cases

The office of financial management shall provide by administrative regulation for the

maintenance of an inventory of all state owned or controlled land resources by all state agencies owning or controlling land. That office shall cooperate with the state departments and agencies charged with administering state owned or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting, and managing state owned or administered land resources and to provide the legislature, its members, committees, and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules of the office of financial management. That office shall give each affected department or agency specific written notice of hearings for consideration, adoption, or modification of such rules. All information submitted to that office under this section are a matter of public record and shall be available from said agency upon request.

[1981 c 157 § 5.]

RCW 43.41.160 State health care cost containment policies.

Applicable Cases

(1) It is the purpose of this section to ensure implementation and coordination of chapter 70.14 RCW as well as other legislative and executive policies designed to contain the cost of health care that is purchased or provided by the state. In order to achieve that purpose, the director may:

(a) Establish within the office of financial management a health care cost containment program in cooperation with all state agencies;

(b) Implement lawful health care cost containment policies that have been adopted by the legislature or the governor, including appropriation provisos;

(c) Coordinate the activities of all state agencies with respect to health care cost containment policies;

(d) Study and make recommendations on health care cost containment policies;

(e) Monitor and report on the implementation of health care cost containment policies;

(f) Appoint a health care cost containment technical advisory committee that represents state agencies that are involved in the direct purchase, funding, or provision of health care; and

(g) Engage in other activities necessary to achieve the purposes of this section.

(2) All state agencies shall cooperate with the director in carrying out the purpose of this section.

[1986 c 303 § 11.]

Notes:

Health care authority: Chapter 41.05 RCW.

RCW 43.41.170 Budgeting process--Agencies implementing energy conservation to retain cost savings.

Applicable Cases

The office of financial management shall ensure that to the extent possible the budget process shall allow state agencies implementing energy conservation to retain the resulting cost savings for other purposes, including further energy conservation.

[1989 c 11 § 15; 1986 c 325 § 3.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

Findings--1986 c 325: "The legislature finds that:

(1) Capital investments in energy conservation in buildings can produce significant reductions in energy use, reducing the need to import or extract fossil fuels and lowering the cost of operating buildings.

(2) The state of Washington has an obligation to operate state buildings efficiently and to implement all cost-effective energy conservation measures so that citizens are assured that public funds are spent wisely and so that citizens have an example of the savings possible from energy conservation.

(3) The state has completed energy consumption and walk-through surveys of its buildings and other facilities and has established a schedule for technical assistance studies which is the basis for implementing energy conservation measure installations to meet the milestones in RCW 43.19.680. However, there is uncertainty that the milestones will be met.

(4) The potential savings from energy conservation can be more readily realized by explicitly considering conservation measures and procedures in the state's budgeting and long-range planning process." [1986 c 325 § 1.]

RCW 43.41.180 Electronic funds and information transfer--State agency use.

Applicable Cases

(1) The office of financial management is authorized to approve the use of electronic and other technological means to transfer both funds and information whenever economically feasible, to eliminate paper documentation wherever possible, and to provide greater fiscal responsibility. This authorization includes but is not limited to the authority to approve use of electronic means to transfer payroll, vendor payments, and benefit payments and acceptance of credit cards, debit cards, and other consumer debt instruments for payment of taxes, licenses, and fees. The office of financial management shall adopt rules under RCW 43.41.110(13) to specify the manner in which electronic and other technological means, including credit cards, are available to state agencies.

(2) No state agency may use electronic or other technological means, including credit cards, without specific continuing authorization from the office of financial management.

[1993 c 500 § 2.]

Notes:

Finding--1993 c 500: "The legislature finds that:

(1) Effective and efficient management of the state's cash resources requires expeditious revenue collection, aggregation, and investment of available balances and timely payments;

(2) The use of credit cards, debit cards, and electronic transfers of funds and information are customary and economical business practices to improve cash management that the state should consider and use when appropriate;

(3) Statutory changes are necessary to aid the state in complying with the federal cash management improvement act of 1990; and

(4) The policies, procedures, and practices of cash management should be reviewed and revised as required

to ensure that the state achieves the most effective cash management possible." [1993 c 500 § 1.]

Severability--1993 c 500: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 500 § 12.]

Effective date--1993 c 500: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 500 § 13.]

RCW 43.41.190 Community network programs--Recommended legislation.

Applicable Cases

The office of financial management shall review the administration of funds for programs identified under RCW 70.190.110 and propose legislation to complete interdepartmental transfers of funds or programs as necessary. The office of financial management shall review statutes that authorize the programs identified under RCW 70.190.110 and suggest legislation to eliminate statutory requirements that may interfere with the administration of that policy.

[1994 sp.s. c 7 § 318.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.41.195 Community networks--Fund distribution formula.

Applicable Cases

(1) The office of financial management, in consultation with affected parties, shall establish a fund distribution formula for determining allocations to the community networks authorized under RCW 70.190.130. The formula shall reflect the local needs assessment for at-risk children and consider:

- (a) The number of arrests and convictions for juvenile violent offenses;
- (b) The number of arrests and convictions for crimes relating to juvenile drug offenses and alcohol-related offenses;
- (c) The number of teen pregnancies and parents;
- (d) The number of child and teenage suicides and attempted suicides; and
- (e) The high school graduation rate.

(2) In developing the formula, the office of financial management shall reserve five percent of the funds for the purpose of rewarding community networks.

(3) The reserve fund shall be used by the council to reward community networks that show exceptional reductions in: State-funded out-of-home placements, violent criminal acts by juveniles, substance abuse, teen pregnancy and male parentage, teen suicide attempts, or school dropout rates.

[1999 c 372 § 8; 1994 sp.s. c 7 § 319.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.41.220 Review of boards and commissions by

governor--Report--Termination--Transfers.

Applicable Cases

(1) The governor shall conduct a review of all of the boards and commissions identified under RCW 43.41.230 and, by January 8th of every odd-numbered year, submit to the legislature a report recommending which boards and commissions should be terminated or consolidated based upon the criteria set forth in subsection (3) of this section. The report must state which of the criteria were relied upon with respect to each recommendation. The governor shall submit an executive request bill by January 8th of every odd-numbered year to implement the recommendations by expressly terminating the appropriate boards and commissions and by providing for the transfer of duties and obligations under this section. The governor shall accept and review with special attention recommendations made, not later than June 1st of each even-numbered year, by the standing committees of the legislature in determining whether to include any board or commission in the report and bill required by this section.

(2) In addition to terminations and consolidations under subsection (1) of this section, the governor may recommend the transfer of duties and obligations from a board or commission to another existing state entity.

(3) In preparing his or her report and legislation, the governor shall make an evaluation based upon answers to the questions set forth in this subsection. The governor shall give these criteria priority in the order listed.

(a) Has the mission of the board or commission been completed or ceased to be critical to effective state government?

(b) Does the work of the board or commission directly affect public safety, welfare, or health?

(c) Can the work of the board or commission be effectively done by another state agency without adverse impact on public safety, welfare, or health?

(d) Will termination of the board or commission have a significant adverse impact on state revenue because of loss of federal funds?

(e) Will termination of the board or commission save revenues, be cost neutral, or result in greater expenditures?

(f) Is the work of the board or commission being done by another board, commission, or state agency?

(g) Could the work of the board or commission be effectively done by a nonpublic entity?

(h) Will termination of the board or commission result in a significant loss of expertise to state government?

(i) Will termination of the board or commission result in operational efficiencies that are other than fiscal in nature?

(j) Could the work of the board or commission be done by an ad hoc committee?

[1994 sp.s. c 9 § 873.]

Notes:

Declaration--Purpose--1994 sp.s. c 9: "The legislature declares there has been an excessive proliferation

of boards and commissions within state government. These boards and commissions are often created without legislative review or input and without an assessment of whether there is a resulting duplication of purpose or process. Once created, they frequently duplicate the duties of existing governmental entities, create additional expense, and obscure responsibility. It has been difficult to control the growth of boards and commissions because of the many special interests involved. Accordingly, the legislature establishes the process in this chapter to eliminate redundant and obsolete boards and commissions and to restrict the establishment of new boards and commissions." [1994 sp.s. c 9 § 872.]

Effective date--1994 sp.s. c 9 §§ 872-876: "Sections 872 through 876 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 6, 1994]." [1994 sp.s. c 9 § 877.]

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.41.230 Boards and commissions reviewed--Exceptions.

Applicable Cases

The boards and commissions to be reviewed by the governor must be all entities that are required to be included in the list prepared by the office of financial management under RCW 43.88.505, other than entities established under: (1) Constitutional mandate; (2) court order or rule; (3) requirement of federal law; or (4) requirement as a condition of the state or a local government receiving federal financial assistance if, in the judgment of the governor, no other state agency, board, or commission would satisfy the requirement.

[1994 sp.s. c 9 § 874.]

Notes:

Declaration--Purpose--Effective date--1994 sp.s. c 9 §§ 872-876: See notes following RCW 43.41.220.

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.41.240 Approval of board or commission not established or required by statute.

Applicable Cases

A new board or commission not established or required in statute that must be included in the report required by RCW 43.88.505 may not be established without the express approval of the director of financial management.

[1998 c 245 § 64; 1994 sp.s. c 9 § 875.]

Notes:

Declaration--Purpose--Effective date--1994 sp.s. c 9 §§ 872-876: See notes following RCW 43.41.220.

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.41.250 Criteria for new board or commission not established or required by statute.

Applicable Cases

When acting on a request to establish a new board or commission under RCW 43.41.240, the director of the office of financial management shall consider the following criteria giving

priority in the order listed:

- (1) If approval is critical to public safety, health, or welfare or to the effectiveness of state government;
 - (2) If approval will not result in duplication of the work or responsibilities of another governmental agency;
 - (3) If approval will not have a significant impact on state revenues;
 - (4) If approval is for a limited duration or on an ad hoc basis;
 - (5) If the work of the board or commission could be effectively done by a nonpublic entity;
 - (6) If approval will result in significant enhancement of expertise in state government;
- and
- (7) If approval will result in operational efficiencies other than fiscal savings.

[1994 sp.s. c 9 § 876.]

Notes:

Declaration--Purpose--Effective date--1994 sp.s. c 9 §§ 872-876: See notes following RCW 43.41.220.
Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.41.260 Monitoring enrollee level in basic health plan and medicaid caseload of children--Funding levels adjustment.

Applicable Cases

The health care authority, the office of financial management, and the department of social and health services shall together monitor the enrollee level in the basic health plan and the medicaid caseload of children funded from the health services account. The office of financial management shall adjust the funding levels by interagency reimbursement of funds between the basic health plan and medicaid and adjust the funding levels between the health care authority and the medical assistance administration of the department of social and health services to maximize combined enrollment.

[1995 c 265 § 21.]

Notes:

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

RCW 43.41.905 Interagency task force on unintended pregnancy.

Applicable Cases

The legislature finds that, according to the department of health's monitoring system, sixty percent of births to women on medicaid were identified as unintended by the women themselves. The director of the office of financial management shall establish an interagency task force on unintended pregnancy in order to:

- (1) Review existing research on the short and long-range costs;
- (2) Analyze the impact on the temporary assistance for needy families program; and

(3) Develop and implement a state strategy to reduce unintended pregnancy.

[1997 c 58 § 1001.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 43.41.940 Central budget agency abolished.

Applicable Cases

On August 11, 1969, the central budget agency is abolished.

[1969 ex.s. c 239 § 17.]

RCW 43.41.950 Saving--1969 ex.s. c 239.

Applicable Cases

Nothing in this chapter shall be construed as affecting any existing rights acquired under the sections amended or repealed herein except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, resolution or order promulgated thereunder, nor any administrative action taken thereunder; nor shall the transfer of powers, duties and functions provided for herein affect the validity of any act performed by such agency or any officer thereof prior to August 11, 1969.

[1969 ex.s. c 239 § 18.]

RCW 43.41.970 Federal requirements for receipt of federal funds.

Applicable Cases

If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of this chapter. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1969 ex.s. c 239 § 20.]

RCW 43.41.980 Severability--1969 ex.s. c 239.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances shall not be affected.

[1969 ex.s. c 239 § 21.]

Chapter 43.43 RCW

WASHINGTON STATE PATROL

RCW

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RCW 43.43.010 Patrol created.

Applicable Cases

There shall be a department of state government known as the "Washington state patrol." The chief thereof shall be known as the chief of the Washington state patrol, and members thereof shall be known as Washington state patrol officers.

[1965 c 8 § 43.43.010. Prior: 1933 c 25 § 1; RRS § 6362-59.]

RCW 43.43.015 Affirmative action.

Applicable Cases

For the purposes of this chapter, "affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

[1985 c 365 § 4.]

RCW 43.43.020 Appointment of personnel.

Applicable Cases

The governor, with the advice and consent of the senate, shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol.

The chief may personally appoint, with the consent of the state treasurer, employees of the office of the state treasurer who are qualified under the standards of the criminal justice training commission, or who have comparable training and experience, to serve as special deputies. The law enforcement powers of any special deputies appointed in the office of the state treasurer shall be designated by the chief and shall be restricted to those powers necessary to provide for state-wide security of the holdings or property of or under the custody of the office of the state treasurer. These appointments may be revoked by the chief at any time and shall be revoked upon the written request of the state treasurer or by operation of law upon termination of the special deputy's employment with the office of the state treasurer or thirty days after the chief

who made the appointment leaves office. The chief shall be civilly immune for the acts of such special deputies. Such appointment and conferral of authority shall not qualify such employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol.

[1983 c 144 § 1; 1981 c 338 § 4; 1973 1st ex.s. c 80 § 1; 1965 c 8 § 43.43.020. Prior: 1949 c 192 § 1; 1933 c 25 § 3; Rem. Supp. 1949 § 6362-61.]

Notes:

Civil service exemptions: RCW 41.06.070.

RCW 43.43.030 Powers and duties--Peace officers.

Applicable Cases

The chief and other officers of the Washington state patrol shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally, and such other powers and duties as are prescribed by law.

[1965 c 8 § 43.43.030. Prior: 1933 c 25 § 2; RRS § 6362-60.]

Notes:

General authority law enforcement agency: RCW 10.93.020.

RCW 43.43.035 Governor, lieutenant governor, and governor-elect--Security and protection--Duty to provide.

Applicable Cases

The chief of the Washington state patrol is directed to provide security and protection for the governor, the governor's family, and the lieutenant governor to the extent and in the manner the governor and the chief of the Washington state patrol deem adequate and appropriate.

In the same manner the chief of the Washington state patrol is directed to provide security and protection for the governor-elect from the time of the November election.

[1991 c 63 § 1; 1965 ex.s. c 96 § 1.]

RCW 43.43.037 Legislature--Security and protection--Duty to provide.

Applicable Cases

The chief of the Washington state patrol is directed to provide such security and protection for both houses of the legislative building while in session as in the opinion of the speaker of the house and the president of the senate may be necessary therefor upon the advice of the respective sergeant-at-arms of each legislative body.

[1965 ex.s. c 96 § 2.]

RCW 43.43.040 Disability of patrol officers.

Applicable Cases

(1) The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or

available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: PROVIDED, That:

(a) Any officer disabled while performing line duty who is found by the chief to be physically incapacitated shall be placed on disability leave for a period not to exceed six months from the date of injury or the date incapacitated. During this period, the officer shall be entitled to all pay, benefits, insurance, leave, and retirement contributions awarded to an officer on active status, less any compensation received through the department of labor and industries. No such disability leave shall be approved until an officer has been unavailable for duty for more than forty consecutive work hours. Prior to the end of the six-month period, the chief shall either place the officer on disability status or return the officer to active status.

For the purposes of this section, "line duty" is active service which encompasses the traffic law enforcement duties and/or other law enforcement responsibilities of the state patrol. These activities encompass all enforcement practices of the laws, accident and criminal investigations, or actions requiring physical exertion or exposure to hazardous elements.

The chief shall define by rule the situations where a disability has occurred during line duty;

(b) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workers' compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability;

(c) An officer injured while engaged in willfully tortious or criminal conduct shall not be entitled to disability benefits under this section; and

(d) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(2) Officers on disability status shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries. They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty.

[1998 c 194 § 1; 1987 c 185 § 17; 1981 c 165 § 1; 1973 2nd ex.s. c 20 § 1; 1965 c 8 § 43.43.040. Prior: 1947 c 174 § 1; 1943 c 215 § 1; RRS § 6362-65.]

Notes:

Intent--Severability--1987 c 185: See notes following RCW 51.12.130.

Severability--1981 c 165: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 165 § 2.]

Effective date--1981 c 165: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect January 1, 1981." [1981 c 165 § 3.]

RCW 43.43.050 Tenure of patrol officers.

Applicable Cases

Washington state patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided.

[1965 c 8 § 43.43.050. Prior: 1943 c 205 § 1; Rem. Supp. 1943 § 6362-66.]

RCW 43.43.060 Suspension or demotion of probationary officers.

Applicable Cases

The chief of the Washington state patrol may suspend or demote any officer with probationary status, without preferring charges against the officer, and without a hearing.

[1984 c 141 § 1; 1965 c 8 § 43.43.060. Prior: 1943 c 205 § 2; Rem. Supp. 1943 § 6362-67.]

RCW 43.43.070 Discharge of probationary officers--Discharge, demotion, or suspension of nonprobationary officers--Complaint--Hearing.

Applicable Cases

Discharge of any officer with probationary status and discharge, demotion, or suspension of any officer with nonprobationary status shall be only for cause, which shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of.

Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington state patrol officers of the rank of captain, and one officer of equal rank with the officer complained of, who shall be selected by the chief of the Washington state patrol by lot from the roster of the patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board.

[1984 c 141 § 2; 1965 c 8 § 43.43.070. Prior: 1943 c 205 § 3; Rem. Supp. 1943 § 6362-68.]

RCW 43.43.080 Criminal complaint--Authority to suspend officer--Hearing.

Applicable Cases

When the complaint served upon an officer is of a criminal nature calling for the discharge of the officer, the chief of the patrol may immediately suspend the officer without pay pending a trial board hearing. The board shall be convened no later than forty-five days from the date of suspension. However, this does not preclude the granting of a mutually agreed upon

extension; in such cases the officer shall remain on suspension without pay.

An officer complained of may waive a hearing and accept the proposed discipline by written notice to the chief of the patrol.

[1989 c 28 § 1; 1965 c 8 § 43.43.080. Prior: 1943 c 205 § 4; Rem. Supp. 1943 § 6362-69.]

RCW 43.43.090 Procedure at hearing.

Applicable Cases

At the hearing, an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote.

The complainant and the officer complained of may submit evidence, and be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer.

After hearing, the findings of the trial board shall be submitted to the chief. Such findings shall be final if the charges are not sustained. In the event the charges are sustained the chief may determine the proper disciplinary action and declare it by written order served upon the officer complained of.

[1989 c 28 § 2; 1984 c 141 § 3; 1965 c 8 § 43.43.090. Prior: 1943 c 205 § 5; Rem. Supp. 1943 § 6362-70.]

RCW 43.43.100 Review of order.

Applicable Cases

Any officer subjected to disciplinary action may, within ten days after the service of the order upon the officer, apply to the superior court of Thurston county for a writ of review to have the reasonableness and lawfulness of the order inquired into and determined.

The superior court shall review the determination of the chief of the Washington state patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety days, either affirming or reversing the order of the chief, or remanding the matter to the chief for further action. A transcript of the trial board hearing shall be provided to the court by the state patrol after being paid for by the officer subjected to disciplinary action. However, if the officer prevails before the court, the state patrol shall reimburse the officer for the cost of the transcript.

[1984 c 141 § 4; 1965 c 8 § 43.43.100. Prior: 1943 c 205 § 6; Rem. Supp. 1943 § 6362-71.]

RCW 43.43.110 Reinstatement on acquittal.

Applicable Cases

If as a result of any trial board hearing, or review proceeding, an officer complained of is found not guilty of the charges against him, he shall be immediately reinstated to his former position, and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action.

[1965 c 8 § 43.43.110. Prior: 1943 c 205 § 7; Rem. Supp. 1943 § 6362-72.]

RCW 43.43.112 Private law enforcement off-duty employment--Guidelines.

Applicable Cases

Washington state patrol officers may engage in private law enforcement off-duty employment in uniform for private benefit, subject to guidelines adopted by the chief of the Washington state patrol. These guidelines must ensure that the integrity and professionalism of the Washington state patrol is preserved. Use of Washington state patrol officer's uniforms shall be considered de minimis use of state property.

[1997 c 375 § 1.]

RCW 43.43.115 Real property--Sale of surplus at fair market value--Distribution of proceeds.

Applicable Cases

Whenever real property owned by the state of Washington and under the jurisdiction of the Washington state patrol is no longer required, it may be sold at fair market value. All proceeds received from the sale of real property, less any real estate broker commissions, shall be deposited into the state patrol highway account: PROVIDED, That if accounts or funds other than the state patrol highway account have contributed to the purchase or improvement of the real property, the office of financial management shall determine the proportional equity of each account or fund in the property and improvements, and shall direct the proceeds to be deposited proportionally therein.

[1993 c 438 § 1.]

RCW 43.43.120 Patrol retirement system--Definitions.

Applicable Cases

As used in the following sections, unless a different meaning is plainly required by the context:

- (1) "Retirement system" means the Washington state patrol retirement system.
- (2) "Retirement fund" means the Washington state patrol retirement fund.
- (3) "State treasurer" means the treasurer of the state of Washington.
- (4) "Member" means any person included in the membership of the retirement fund.
- (5) "Employee" means any commissioned employee of the Washington state patrol.
- (6)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.
- (b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrolmen; drivers' license

examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehousemen.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(8) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(9) "Retirement board" means the board provided for in this chapter.

(10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(15) "Average final salary" shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

(18) "Director" means the director of the department of retirement systems.

(19) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(20) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(21) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under RCW 43.43.300.

(22) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

[1999 c 74 § 1; 1983 c 81 § 1; 1982 1st ex.s. c 52 § 24; 1980 c 77 § 1; 1973 1st ex.s. c 180 § 1; 1969 c 12 § 1; 1965 c 8 § 43.43.120. Prior: 1955 c 244 § 1; 1953 c 262 § 1; 1951 c 140 § 1; 1947 c 250 § 1; Rem. Supp. 1947 § 6362-81.]

Notes:

Effective date--1983 c 81: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983." [1983 c 81 § 4.]

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

Construction--1969 c 12: "The provisions of this 1969 amendatory act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act." [1969 c 12 § 8.]

RCW 43.43.130 Retirement fund created--Membership.

Applicable Cases

(1) A Washington state patrol retirement fund is hereby established for members of the Washington state patrol which shall include funds created and placed under the management of a retirement board for the payment of retirement allowances and other benefits under the provisions hereof.

(2) Any employee of the Washington state patrol, upon date of commissioning, shall be eligible to participate in the retirement plan and shall start contributing to the fund immediately. Any employee of the Washington state patrol employed by the state of Washington or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington shall receive full credit for such prior service but after that date each new commissioned employee must automatically participate in the fund. If a member shall terminate service in the patrol and later reenter, he shall be treated in all respects as a new employee.

(3)(a) A member who reenters or has reentered service within ten years from the date of his termination, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, plus interest as determined by the director, which restoration must be completed within five years after resumption of service, be returned to the status of membership he earned at the time of termination.

(b) A member who does not meet the time limitations for restoration under (a) of this subsection, may restore the service credit destroyed by the withdrawn contributions by paying the amount required under RCW 41.50.165(2) prior to retirement.

(4)(a) An employee of the Washington state patrol who becomes a member of the retirement system after June 12, 1980, and who has service as a cadet in the patrol training program may make an irrevocable election to transfer the service to the retirement system. Any

member upon making such election shall have transferred all existing service credited in a prior public retirement system in this state for periods of employment as a cadet. Transfer of credit under this subsection is contingent on completion of the transfer of funds specified in (b) of this subsection.

(b) Within sixty days of notification of a member's cadet service transfer as provided in (a) of this subsection, the department of retirement systems shall transfer the employee's accumulated contributions attributable to the periods of service as a cadet, including accumulated interest.

(5) A member of the retirement system who has served or shall serve on active federal service in the armed forces of the United States pursuant to and by reason of orders by competent federal authority, who left or shall leave the Washington state patrol to enter such service, and who within one year from termination of such active federal service, resumes employment as a state employee, shall have his service in such armed forces credited to him as a member of the retirement system: PROVIDED, That no such service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

(6) An active employee of the Washington state patrol who either became a member of the retirement system prior to June 12, 1980, and who has prior service as a cadet in the public employees' retirement system may make an irrevocable election to transfer such service to the retirement system within a period ending June 30, 1985, or, if not an active employee on July 1, 1983, within one year of returning to commissioned service, whichever date is later. Any member upon making such election shall have transferred all existing service credited in the public employees' retirement system which constituted service as a cadet together with the employee's contributions plus credited interest. If the employee has withdrawn the employee's contributions, the contributions must be restored to the public employees' retirement system before the transfer of credit can occur and such restoration must be completed within the time limits specified in this subsection for making the elective transfer.

(7) An active employee of the Washington state patrol who either became a member of the retirement system prior to June 12, 1980, or who has prior service as a cadet in the public employees' retirement system may make an irrevocable election to transfer such service to the retirement system if they have not met the time limitations of subsection (6) of this section by paying the amount required under RCW 41.50.165(2) less the contributions transferred. Any member upon making such election shall have transferred all existing service credited in the public employees' retirement system that constituted service as a cadet together with the employee's contributions plus credited interest. If the employee has withdrawn the employee's contributions, the contributions must be restored to the public employees' retirement system before the transfer of credit can occur and such restoration must be completed within the time limits specified in subsection (6) of this section for making the elective transfer.

(8) An active employee of the Washington state patrol may establish up to six months' retirement service credit in the state patrol retirement system for any period of employment by the Washington state patrol as a cadet if service credit for such employment was not previously established in the public employees' retirement system, subject to the following:

(a) Certification by the patrol that such employment as a cadet was for the express purpose of receiving on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper.

(b) Payment by the member of employee contributions in the amount of seven percent of the total salary paid for each month of service to be established, plus interest at seven percent from the date of the probationary service to the date of payment. This payment shall be made by the member no later than July 1, 1988.

(c) If the payment required under (b) of this subsection was not made by July 1, 1988, the member may establish the probationary service by paying the amount required under RCW 41.50.165(2).

(d) A written waiver by the member of the member's right to ever establish the same service in the public employees' retirement system at any time in the future.

(9) The department of retirement systems shall make the requested transfer subject to the conditions specified in subsections (6) and (7) of this section or establish additional credit as provided in subsection (8) of this section. Employee contributions and credited interest transferred shall be credited to the employee's account in the Washington state patrol retirement system.

[1994 c 197 § 33; 1987 c 215 § 1; 1986 c 154 § 1; 1983 c 81 § 2; 1980 c 77 § 2; 1965 c 8 § 43.43.130. Prior: 1953 c 262 § 2; 1951 c 140 § 2; 1947 c 250 § 2; Rem. Supp. 1947 § 6362-82.]

Notes:

Intent--Severability--Effective date--1994 c 197: See notes following RCW 41.50.165.

Effective date--1987 c 215: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 215 § 3.]

Effective date--1983 c 81: See note following RCW 43.43.120.

RCW 43.43.135 Membership in more than one retirement system.

Applicable Cases

In any case where the Washington state patrol retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, an employee holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who is by reason of his current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan, shall be allowed membership rights should the agreement so provide.

[1965 c 8 § 43.43.135. Prior: 1951 c 140 § 10.]

RCW 43.43.137 Reestablishment of service credit by former members who are members of the public employees' retirement system--Conditions.

Applicable Cases

Former members of the retirement system established under this chapter who are

currently members of the retirement system governed by chapter 41.40 RCW are permitted to reestablish service credit with the system subject to the following:

(1) The former member must have separated and withdrawn contributions from the system prior to January 1, 1966, and not returned to membership since that date;

(2) The former member must have been employed by the department of licensing, or its predecessor agency, in a capacity related to drivers' license examining within thirty days after leaving commissioned status with the state patrol; and

(3) The former member must make payment to the system of the contributions withdrawn with interest at the rate set by the director from the date of withdrawal to the date of repayment. Such payment must be made no later than June 30, 1986.

[1986 c 154 § 2.]

RCW 43.43.138 Establishing, restoring service credit.

Applicable Cases

Notwithstanding any provision to the contrary, persons who fail to:

(1) Establish allowable membership service not previously credited;

(2) Restore all or a part of that previously credited membership service represented by withdrawn contributions; or

(3) Restore service credit represented by a lump sum payment in lieu of benefits, before the deadline established by statute, may do so under the conditions set forth in RCW 41.50.165.

[1998 c 17 § 5.]

RCW 43.43.139 Membership while serving as state legislator--Conditions.

Applicable Cases

Any member of the retirement system who, on or after January 1, 1995, is on leave of absence for the purpose of serving as a state legislator, may elect to continue to be a member of this retirement system. The member shall continue to receive service credit subject to the following:

(1) The member will not receive more than one month's service credit in a calendar month;

(2) Employer contributions shall be paid by the legislature;

(3) Contributions shall be based on the regular compensation which the member would have received had such a member not served in the legislature;

(4) The service and compensation credit under this section shall be granted only for periods during which the legislature is in session; and

(5) No service credit for service as a legislator will be allowed after a member separates from employment with the Washington state patrol.

[1997 c 123 § 1.]

RCW 43.43.142 Retirement board abolished--Transfer of powers, duties, and functions.

Applicable Cases

The retirement board established by this chapter is abolished. All powers, duties, and functions of the board are transferred to the director of retirement systems.

[1982 c 163 § 18.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

RCW 43.43.165 Board may receive contributions from any source.

Applicable Cases

Contributions may be received by the Washington state patrol retirement board from any public or private source for deposit into the Washington state patrol retirement fund, and said contributions shall be dealt with in the same manner as other state patrol retirement funds and subject to the terms of the contribution.

[1965 c 8 § 43.43.165. Prior: 1955 c 244 § 4.]

RCW 43.43.220 Retirement fund--Expenses.

Applicable Cases

The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

[1989 c 273 § 25; 1973 1st ex.s. c 180 § 2; 1965 c 8 § 43.43.220. Prior: 1961 c 93 § 1; 1957 c 162 § 2; 1951 c 140 § 3; 1947 c 250 § 11; Rem. Supp. 1947 § 6362-91.]

Notes:

Severability--1989 c 273: See RCW 41.45.900.

RCW 43.43.230 Total service credit.

Applicable Cases

Subject to the provisions of RCW 43.43.260, at retirement, the total service credited to a member shall consist of all the member's current service and accredited prior service.

[1982 1st ex.s. c 52 § 25; 1965 c 8 § 43.43.230. Prior: 1953 c 262 § 3; 1947 c 250 § 12; Rem. Supp. 1947 § 6362-92.]

Notes:

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

RCW 43.43.240 Legal adviser.

Applicable Cases

The attorney general shall be the legal adviser of the retirement board.

[1965 c 8 § 43.43.240. Prior: 1947 c 250 § 13; Rem. Supp. 1947 § 6362-93.]

RCW 43.43.250 Retirement of members.

Applicable Cases

(1) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED, That the requirement to retire at age sixty shall not apply to a member serving as chief of the Washington state patrol.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may apply to retire as provided in RCW 43.43.260, by completing and submitting an application form to the department, setting forth at what time the member desires to be retired.

[1982 1st ex.s. c 52 § 26; 1975-'76 2nd ex.s. c 116 § 1; 1969 c 12 § 3; 1965 c 8 § 43.43.250. Prior: 1963 c 175 § 1; 1957 c 162 § 3; 1951 c 140 § 4; 1947 c 250 § 14; Rem. Supp. 1947 § 6362-94.]

Notes:

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

Construction--1969 c 12: See note following RCW 43.43.120.

RCW 43.43.260 Benefits.

Applicable Cases

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3) Any member with twenty-five years service in the Washington state patrol may have the member's service in the armed forces credited as a member whether or not the individual left the employ of the Washington state patrol to enter such armed forces: PROVIDED, That in no instance shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of the member's retirement, or as provided under RCW 43.43.130, whichever occurs first: AND PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(4) In no event shall the total retirement benefits from subsections (1), (2), and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

The provisions of this section shall apply to all members presently retired and to all

members who shall retire in the future.

[1994 c 197 § 34; 1982 1st ex.s. c 52 § 27; 1973 1st ex.s. c 180 § 3; 1971 ex.s. c 278 § 1; 1969 c 12 § 4; 1965 c 8 § 43.43.260. Prior: 1963 c 175 § 2; 1957 c 162 § 4; 1955 c 244 § 2; 1951 c 140 § 5; 1947 c 250 § 15; Rem. Supp. 1947 § 6362-95.]

Notes:

Intent--Severability--Effective date--1994 c 197: See notes following RCW 41.50.165.

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

Effective date--1971 ex.s. c 278: "This 1971 amendatory act shall have an effective date of July 1, 1971."

[1971 ex.s. c 278 § 2.]

Construction--1969 c 12: See note following RCW 43.43.120.

RCW 43.43.263 Effect of certain accumulated vacation leave on retirement benefits.

Applicable Cases

RCW 43.01.044 shall not result in any increase in retirement benefits. The rights extended to state officers and employees under RCW 43.01.044 are not intended to and shall not have any effect on retirement benefits under this chapter.

[1983 c 283 § 5.]

RCW 43.43.264 Benefit calculation--Limitation.

Applicable Cases

(1) The annual compensation taken into account in calculating retiree benefits under this system shall not exceed the limits imposed by section 401(a)(17) of the federal internal revenue code for qualified trusts.

(2) The department shall adopt rules as necessary to implement this section.

[1995 c 145 § 4.]

RCW 43.43.270 Retirement allowances.

Applicable Cases

(1) The normal form of retirement allowance shall be an allowance which shall continue as long as the member lives.

(2) If a member should die while in service the member's lawful spouse shall be paid an allowance which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement the member's lawful spouse shall be paid an allowance which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing the member's retirement allowance, whichever is less. The allowance paid to the lawful spouse shall continue as long as the spouse lives: PROVIDED, That if a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system who subsequently predeceases such spouse, the spouse shall then be entitled to receive the higher of the two survivors' allowances for which eligibility requirements were met, but a surviving spouse shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse of a retired member shall have been married to the

member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to the retired member at least two years prior to the member's death.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or the spouse should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member;

(b) If there is no surviving spouse or the spouse should die, the unmarried child or children shall be entitled to receive a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary. Payments under this subsection shall be prorated equally among the children, if more than one; and

(c) If a beneficiary under this subsection reaches the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of that term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement.

[1989 c 108 § 1; 1984 c 206 § 1; 1982 1st ex.s. c 52 § 28; 1973 2nd ex.s. c 14 § 3; 1973 1st ex.s. c 180 § 4. Prior: 1969 c 12 § 6; 1965 c 8 § 43.43.270; prior: 1963 c 175 § 3; 1961 c 93 § 2; 1951 c 140 § 6; 1947 c 250 § 16; Rem. Supp. 1947 § 6362-96.]

Notes:

Effective date--1989 c 108: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1989." [1989 c 108 § 2.]

Applicability--1984 c 206: "This act shall apply only to surviving spouses receiving benefits under RCW 43.43.270(2) on or after March 27, 1984. No surviving spouse whose benefits under RCW 43.43.270(2) were terminated before March 27, 1984, due to remarriage shall be governed by this act, and this act shall neither retroactively nor prospectively restore such terminated benefits. This act shall apply only to surviving unmarried children receiving benefits under RCW 43.43.270 (3) or (4) on or after March 27, 1984. No benefits shall be paid under RCW 43.43.270 (3)(b) or (4)(b) for any period before March 27, 1984." [1984 c 206 § 2.]

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

Construction--1969 c 12: See note following RCW 43.43.120.

RCW 43.43.272 Surviving spouse allowance--Annual adjustment.

Applicable Cases

(1) Beginning July 1, 1999, and annually thereafter, the surviving spouse allowance provided in RCW 43.43.270 shall be adjusted by the annual increase amount. To be eligible, a surviving spouse must have attained at least age sixty-six by July 1st in the calendar year in which the annual increase is provided.

(2) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to receive this postretirement adjustment not granted prior to that time.

[1999 c 74 § 2.]

RCW 43.43.274 Minimum retirement allowance--Annual adjustment.

Applicable Cases

Effective July 1, 1997, the retirement allowance under RCW 43.43.260 and 43.43.270(2) shall not be less than twenty dollars per month for each year of service. Effective July 1, 1999, and annually thereafter, the retirement allowance provided under this section shall be adjusted by the annual increase amount. If the member has elected to receive a reduced retirement allowance under RCW 43.43.280(2), the minimum retirement allowance under this section shall be reduced accordingly.

[1999 c 74 § 3; 1997 c 72 § 1.]

RCW 43.43.276 Retirement and beneficiary allowances--Post-retirement adjustment--Minimum adjustment.

Applicable Cases

Notwithstanding any provision of law to the contrary, effective July 1, 1983, all retirement allowances that commenced on a date no later than July 1, 1978, and all beneficiary allowances that commenced on a date no later than December 31, 1982, shall be permanently increased by a post-retirement adjustment of \$.74 per month for each year of creditable service the member established with the retirement system. This adjustment shall be in lieu of any adjustment provided under RCW 43.43.260(5) as of July 1, 1983, and July 1, 1984, for the affected persons, except that in no case shall such adjustment be less than the total of those which would be provided under RCW 43.43.260(5) as of July 1, 1983, and July 1, 1984.

[1983 1st ex.s. c 56 § 5.]

Notes:

Effective date--1983 1st ex.s. c 56: See note following RCW 2.12.046.

RCW 43.43.278 Retirement option.

Applicable Cases

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select, in lieu of benefits under RCW 43.43.270, an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse. The continuing allowance to the lawful surviving spouse shall be subject to the yearly increase provided by RCW 43.43.260(5) in lieu of the annual increase provided in RCW 43.43.272.

[1999 c 74 § 4.]

RCW 43.43.280 Repayment of contributions on death or termination of employment--Election to receive reduced retirement allowance at age fifty-five.

Applicable Cases

(1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by the member, including any amount paid under RCW 41.50.165(2), with interest as determined by the director, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons as the member shall have nominated by written designation duly executed and filed with the department, or if there be no such designated person or persons, then to the member's legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than the member's death, or retirement, the individual shall thereupon cease to be a member except as provided under *RCW 43.43.130 (2) and (3) and, the individual may withdraw the member's contributions to the retirement fund, including any amount paid under RCW 41.50.165(2), with interest as determined by the director, by making application therefor to the department, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of the member's absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon written notice to the department elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions, the individual shall thereupon cease to be a member and this subsection shall not apply.

[1994 c 197 § 35; 1991 c 365 § 32; 1987 c 215 § 2; 1982 1st ex.s. c 52 § 29; 1973 1st ex.s. c 180 § 5; 1969 c 12 § 7; 1965 c 8 § 43.43.280. Prior: 1961 c 93 § 3; 1951 c 140 § 7; 1947 c 250 § 17; Rem. Supp. 1947 § 6363-97.]

Notes:

***Reviser's note:** RCW 43.43.130 was amended by 1994 c 197 § 33 changing subsections (2) and (3) to

subsections (2), (3), and (4).

Intent--Severability--Effective date--1994 c 197: See notes following RCW 41.50.165.

Severability--1991 c 365: See note following RCW 41.50.500.

Effective date--1987 c 215: See note following RCW 43.43.130.

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

Construction--1969 c 12: See note following RCW 43.43.120.

RCW 43.43.285 Special death benefit--Death in the course of employment.

Applicable Cases

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of injuries sustained in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

[1996 c 226 § 2.]

Notes:

Effective date--1996 c 226: See note following RCW 41.26.048.

RCW 43.43.290 Status in case of disablement.

Applicable Cases

A person receiving benefits under RCW 43.43.040 will be a nonactive member. If any person who is or has been receiving benefits under RCW 43.43.040 returns or has returned to active duty with the Washington state patrol, the person shall become an active member of the retirement system on the first day of reemployment. The person may acquire service credit for the period of disablement by paying into the retirement fund all contributions required based on the compensation which would have been received had the person not been disabled. To acquire service credit, the person shall complete the required payment within five years of return to active service or prior to retirement, whichever occurs first. Persons who return to active service prior to July 1, 1982, shall complete the required payment within five years of July 1, 1982, or prior to retirement, whichever occurs first. No service credit for the disability period may be allowed unless full payment is made. Interest shall be charged at the rate set by the director of retirement systems from the date of return to active duty or from July 1, 1982, whichever is later, until the date of payment. The Washington state patrol shall pay into the retirement system the amount which it would have contributed had the person not been disabled. The payment shall become due and payable, in total, when the person makes the first payment. If the person fails to complete the full payment required within the time period specified, any payments made to the

retirement fund under this section shall be refunded with interest and any payment by the Washington state patrol to the retirement fund for this purpose shall be refunded.

[1982 1st ex.s. c 52 § 30; 1965 c 8 § 43.43.290. Prior: 1947 c 250 § 18; Rem. Supp. 1947 § 6362-98.]

Notes:

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

RCW 43.43.300 Contributions by members--State contributions remain in fund if member leaves patrol.

Applicable Cases

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

[1965 c 8 § 43.43.300. Prior: 1963 c 175 § 4; 1961 c 93 § 4; 1955 c 244 § 3; 1951 c 140 § 9; 1947 c 250 § 19; Rem. Supp. 1947 § 6362-99.]

Notes:

Members' retirement contributions--Payment by employer: RCW 41.04.445.

RCW 43.43.310 Benefits exempt from taxation and legal process--Assignability--Exceptions--Deductions for group insurance premiums or for state patrol memorial foundation contributions.

Applicable Cases

(1) Except as provided in subsections (2) and (3) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a notice of payroll deduction issued pursuant to RCW 26.23.060, (d) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, (e) a court order directing the department of retirement systems to pay benefits directly to an obligee under a dissolution order as defined in RCW 41.50.500(3) which fully complies with RCW 41.50.670 and 41.50.700, or (f) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington, or for

contributions to the Washington state patrol memorial foundation.

[1991 c 365 § 23; 1989 c 360 § 29. Prior: 1987 c 326 § 25; 1987 c 63 § 1; 1982 1st ex.s. c 52 § 31; 1979 ex.s. c 205 § 8; 1977 ex.s. c 256 § 1; 1965 c 8 § 43.43.310; prior: 1951 c 140 § 8; 1947 c 250 § 20; Rem. Supp. 1947 § 6362-100.]

Notes:

Severability--1991 c 365: See note following RCW 41.50.500.

Effective date--1987 c 326: See RCW 41.50.901.

Effective dates--1982 1st ex.s. c 52: See note following RCW 2.10.180.

RCW 43.43.320 Penalty for falsification.

Applicable Cases

Any person who knowingly makes any false statement or falsifies or permits to be falsified any record or records of the Washington state patrol retirement fund in any attempt to defraud such fund shall be guilty of a gross misdemeanor.

[1965 c 8 § 43.43.320. Prior: 1947 c 250 § 21; Rem. Supp. 1947 § 6362-101.]

RCW 43.43.330 Examinations for promotion.

Applicable Cases

Appropriate examinations shall be conducted for the promotion of commissioned patrol officers to the rank of sergeant and lieutenant. The examinations shall be prepared and conducted under the supervision of the chief of the Washington state patrol, who shall cause at least thirty days written notice thereof to be given to all patrol officers eligible for such examinations. The written notice shall specify the expected type of examination and relative weights to be assigned if a combination of tests is to be used. Examinations shall be given once every two years, or whenever the eligible list becomes exhausted as the case may be. After the giving of each such examination a new eligible list shall be compiled replacing any existing eligible list for such rank. Only grades attained in the last examination given for a particular rank shall be used in compiling each eligible list therefor. The chief, or in his discretion a committee of three individuals appointed by him, shall prepare and conduct the examinations, and thereafter grade and evaluate them in accordance with the following provisions, or factors: For promotion to the rank of sergeant or lieutenant, the examination shall consist of one or more of the following components: (1) Oral examination; (2) written examination; (3) service rating; (4) personnel record; (5) assessment center or other valid tests that measures the skills, knowledge, and qualities needed to perform these jobs. A cutoff score may be set for each testing component that allows only those scoring above the cutoff on one component to proceed to take a subsequent component.

[1993 c 155 § 1; 1985 c 4 § 1; 1969 ex.s. c 20 § 1; 1965 c 8 § 43.43.330. Prior: 1959 c 115 § 1; 1949 c 192 § 2; Rem. Supp. 1949 § 6362-61a.]

RCW 43.43.340 Eligible list, and promotions therefrom--Affirmative action.

Applicable Cases

(1) The names of all officers who have passed examinations satisfactorily shall be placed on an eligible list in the order of the grade attained in the examinations. The chief, or the committee mentioned in RCW 43.43.330 at the chief's request, may determine the lowest examination grade which will qualify an officer for inclusion of his or her name on an eligible list. Examination papers shall be graded promptly and an eligible list shall be made up immediately thereafter. All officers taking an examination shall be informed of the grade earned.

(2) After an eligible list is made up all promotions shall be made from the five top names on the applicable list, and if needed to comply with affirmative action goals three additional names referred under subsection (3) of this section. Not all three additional names need be promoted at the time they are referred and they may be referred more than once. Each officer shall be informed in writing as his or her name is included in the top five on an eligible list or referred under subsection (3) of this section. No officer whose name appears within the top five on any eligible list shall be passed over for promotion more than three times.

(3) If the vacancy to be filled is identified as part of the state patrol's affirmative action goals as established under its affirmative action plan, the chief may refer for consideration up to three additional names per vacancy of individuals who are on the eligible list and who are members of one or more of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, or for federal contract compliance purposes, veterans and disabled veterans as defined in the Vietnam Era Veterans Readjustment Act of 1974, Title 41 C.F.R., chapter 60, part 60-250.

The three additional names referred for each vacancy shall be the top three members of the protected groups designated by the chief for referral for that vacancy in accordance with the state patrol's affirmative action goals. These names shall be drawn in rank order from the remaining names of protected group members on the eligible list, after ranking by examination grade. For each vacancy, a total of three supplementary names may be referred.

(4) After having qualified for promotion hereunder an officer must pass a medical examination and must be certified as to physical fitness to perform the duties of the advanced position by one of three doctors designated by the chief of the Washington state patrol.

(5) The state patrol shall consult with the human rights commission in the development of rules pertaining to affirmative action. The state patrol shall transmit a report annually to the human rights commission which states the progress the state patrol has made in meeting affirmative action goals and timetables.

[1985 c 365 § 6; 1965 c 8 § 43.43.340. Prior: 1949 c 192 § 3; Rem. Supp. 1949 § 6362-61b.]

RCW 43.43.350 Determination of eligibility for examination for promotion.

Applicable Cases

Eligibility for examination for promotion shall be determined as follows:

Patrol officers with one year of probationary experience, in addition to three years experience as a regular patrolman before the date of the first examination occurrence, shall be eligible for examination for the rank of sergeant; patrol officers with one year of probationary experience in the rank of sergeant before the date of the first examination occurrence, in addition

to two years as a regular sergeant, shall be eligible for examination for the rank of lieutenant.

[1998 c 193 § 1; 1969 ex.s. c 20 § 2; 1965 c 8 § 43.43.350. Prior: 1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]

RCW 43.43.360 Probationary period.

Applicable Cases

All newly appointed or promoted officers shall serve a probationary period of one year after appointment or promotion, whereupon their probationary status shall terminate, and they shall acquire regular status in the particular grade, unless given notice in writing to the contrary by the chief prior to the expiration of the probationary period.

[1984 c 141 § 5; 1965 c 8 § 43.43.360. Prior: 1949 c 192 § 4, part; Rem. Supp. 1949 § 6362-61c, part.]

RCW 43.43.370 Staff or technical officers.

Applicable Cases

The chief of the Washington state patrol may appoint such staff or technical officers as he deems necessary for the efficient operation of the patrol, and he may assign whatever rank he deems necessary to such staff or technical officers for the duration of their service as such.

Staff or technical officers may be returned to their line rank or position whenever the chief so desires. Staff or technical officers without line command assignment and whose duties are of a special or technical nature shall hold their staff or technical rank on a continuing probationary basis; however, such staff or technical officers, if otherwise eligible, shall not be prevented from taking the line promotion examinations, and qualifying for promotion whenever the examinations may be held.

If a staff or technical officer returns to line operations he shall return in the rank that he holds in the line command, unless promoted to a higher rank through examination and appointment as herein provided: PROVIDED, Nothing contained herein shall be construed as giving the chief the right to demote or to reduce the rank of any officer of the patrol who was holding such office on April 1, 1949.

[1965 c 8 § 43.43.370. Prior: 1949 c 192 § 5; Rem. Supp. 1949 § 6362-61d.]

RCW 43.43.380 Minimum salaries.

Applicable Cases

The minimum monthly salary paid to state patrol officers shall be as follows: Officers, three hundred dollars; staff or technical sergeants, three hundred twenty-five dollars; line sergeants, three hundred fifty dollars; lieutenants, three hundred seventy-five dollars; captains, four hundred twenty-five dollars.

[1965 c 8 § 43.43.380. Prior: 1949 c 192 § 6; Rem. Supp. 1949 § 6362-61e.]

RCW 43.43.390 Bicycle awareness program--Generally.

Applicable Cases

Bicycling is increasing in popularity as a form of recreation and as an alternative mode of

transportation. To make bicycling safer, the various law enforcement agencies should enforce traffic regulations for bicyclists. By enforcing bicycle regulations, law enforcement officers are reinforcing educational programs. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with the traffic safety commission and with bicycling groups providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

[1991 c 214 § 1.]

Notes:

Bicycle transportation management program: RCW 47.04.190.

RCW 43.43.410 License fraud task force--Intent.

Applicable Cases

The legislature recognizes that there are residents of this state who intentionally register motor vehicles in other states to evade payment of taxes and fees required by the laws of this state. This results in a substantial loss of revenue to the state. It is the intent of the legislature to decriminalize license fraud and impose stronger civil penalties upon residents who defraud the state, thereby enhancing compliance with state registration laws and increasing state revenues. To further enhance enforcement and collection efforts, the legislature intends to create a license fraud task force within the Washington state patrol.

[1999 c 277 § 1.]

RCW 43.43.420 License fraud task force--Personnel.

Applicable Cases

The task force consists of staff from the Washington state patrol, the department of revenue, and the attorney general's office. The task force personnel are:

- (1) One Washington state patrol sergeant, who has overall responsibility to coordinate the task force;
- (2) Three Washington state patrol detectives, to investigate license fraud;
- (3) One department of revenue tax discovery agent, to assess and recover delinquent tax, penalties, and interest;
- (4) One assistant attorney general, to provide legal services to the task force; and
- (5) One clerical support person, for administrative support for the task force as a whole.

[1999 c 277 § 2.]

RCW 43.43.500 Crime information center--Established--Purpose--Functions.

Applicable Cases

There is established the Washington state crime information center to be located in the records division of the Washington state patrol and to function under the direction of the chief of the Washington state patrol. The center shall serve to coordinate crime information, by means of data processing, for all law enforcement agencies in the state. It shall make such use of the facilities of the law enforcement teletype system as is practical. It shall provide access to the national crime information center, to motor vehicle and driver license information, to the sex offender central registry, and to such other public records as may be accessed by data processing and which are pertinent to law enforcement.

[1998 c 67 § 1; 1967 ex.s. c 27 § 1.]

Notes:

Effective date--1998 c 67: "This act takes effect June 30, 1999." [1998 c 67 § 3.]

RCW 43.43.510 Crime information center--Files of general assistance to law enforcement agencies established.

Applicable Cases

As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifying children whose parents, custodians, or legal guardians have reported as having run away from home or the custodial residence, identifiable stolen property, files maintaining the central registry of sex offenders required to register under chapter 9A.44 RCW, and such other files as may be of general assistance to law enforcement agencies.

[1998 c 67 § 2; 1995 c 312 § 45; 1967 ex.s. c 27 § 2.]

Notes:

Effective date--1998 c 67: See note following RCW 43.43.500.

Short title--1995 c 312: See note following RCW 13.32A.010.

RCW 43.43.530 Crime information center--Cost of terminal facilities.

Applicable Cases

The cost of additional terminal facilities necessary to gain access to the Washington state crime information center shall be borne by the respective agencies operating the terminal facilities.

[1967 ex.s. c 27 § 4.]

RCW 43.43.540 Sex offenders and kidnapping offenders--Central registry--Reimbursement to counties.

Applicable Cases

The county sheriff shall forward the information, photographs, and fingerprints obtained pursuant to RCW 9A.44.130, including any notice of change of address, to the Washington state

patrol within five working days. The state patrol shall maintain a central registry of sex offenders and kidnapping offenders required to register under RCW 9A.44.130 and shall adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are necessary to carry out the purposes of RCW 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The Washington state patrol shall reimburse the counties for the costs of processing the offender registration, including taking the fingerprints and the photographs.

[1998 c 220 § 4; 1997 c 113 § 6; 1990 c 3 § 403.]

Notes:

Severability--1998 c 220: See note following RCW 9A.44.130.

Findings--1997 c 113: See note following RCW 4.24.550.

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

Sex offense and kidnapping offense defined: RCW 9A.44.130.

RCW 43.43.550 Traffic safety education officers--Powers--Pay and reimbursement.

Applicable Cases

(1) The chief of the Washington state patrol shall designate twenty-four or more officers as traffic safety education officers. The chief of the Washington state patrol shall make the designations in a manner designed to ensure that the programs under subsection (2) of this section are reasonably available in all areas of the state.

(2) The chief of the Washington state patrol may permit these traffic safety education officers to appear in their off-duty hours in uniform to give programs in schools or the community on the duties of the state patrol, traffic safety, or crime prevention.

(3) The traffic safety education officers may accept such pay and reimbursement of expenses as are approved by the state patrol from the sponsoring organization.

(4) The state patrol is encouraged to work with community organizations to set up these programs state-wide.

[1984 c 217 § 1.]

RCW 43.43.560 Automatic fingerprint information system--Report.

Applicable Cases

(1) To support criminal justice services in the local communities throughout this state, the state patrol shall develop a plan for and implement an automatic fingerprint information system. In implementing the automatic fingerprint information system, the state patrol shall either purchase or lease the appropriate computer systems. If the state patrol leases a system, the lease agreement shall include purchase options. The state patrol shall procure the most efficient system available.

(2) The state patrol shall report on the automatic fingerprint information system to the legislature no later than January 1, 1987. The report shall include a time line for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination.

The state patrol shall coordinate the preparation of this report with the office of financial management.

[1986 c 196 § 1.]

RCW 43.43.565 Automatic fingerprint information system account.

Applicable Cases

(1) The automatic fingerprint information system account is established in the custody of the state treasurer. Moneys in the account may be spent only for the purposes of purchasing or leasing automatic fingerprint information systems after appropriation by the legislature.

(2) Any moneys received by the state from bureau of justice assistance grants shall be deposited in the automatic fingerprint information system account if not inconsistent with the terms of the grant.

[1986 c 196 § 2.]

RCW 43.43.570 Automatic fingerprint identification system--Conditions for local establishment or operation--Exemption--Rules.

Applicable Cases

(1) No local law enforcement agency may establish or operate an automatic fingerprint identification system unless:

(a) Both the hardware and software of the local system are compatible with the state system under RCW 43.43.560; and

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol automatic fingerprint identification system and transmit data to the Washington state patrol automatic fingerprint identification system.

(2) A local law enforcement agency operating an automatic fingerprint identification system shall transmit data on fingerprint entries to the Washington state patrol electronically by computer. This requirement shall be in addition to those under RCW 10.98.050 and 43.43.740.

(3) Counties or local agencies that purchased or signed a contract to purchase an automatic fingerprint identification system prior to January 1, 1987, are exempt from the requirements of this section. The Washington state patrol shall charge fees for processing latent fingerprints submitted to the patrol by counties or local jurisdictions exempted from the requirements of this section. The fees shall cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such fingerprints.

(4) The Washington state patrol shall adopt rules to implement this section.

[1987 c 450 § 1.]

RCW 43.43.600 Drug control assistance unit--Created.

Applicable Cases

There is hereby created in the Washington state patrol a drug control assistance unit.

[1970 ex.s. c 63 § 1.]

RCW 43.43.610 Drug control assistance unit--Duties.

Applicable Cases

The drug control assistance unit shall provide investigative assistance for the purpose of enforcement of the provisions of chapter 69.40 RCW.

[1983 c 3 § 107; 1980 c 69 § 1; 1970 ex.s. c 63 § 2.]

RCW 43.43.620 Drug control assistance unit--Additional duties--Information system on violations--Inter-unit communications network.

Applicable Cases

The drug control assistance unit shall:

(1) Establish a record system to coordinate with all law enforcement agencies in the state a comprehensive system of information concerning violations of the narcotic and drug laws.

(2) Provide a communications network capable of interconnecting all offices and investigators of the unit.

[1970 ex.s. c 63 § 3.]

RCW 43.43.630 Drug control assistance unit--Use of existing facilities and systems.

Applicable Cases

In order to maximize the efficiency and effectiveness of state resources, the drug control assistance unit shall, where feasible, use existing facilities and systems.

[1970 ex.s. c 63 § 4.]

RCW 43.43.640 Drug control assistance unit--Certain investigators exempt from state civil service act.

Applicable Cases

Any investigators employed pursuant to RCW 43.43.610 shall be exempt from the state civil service act, chapter 41.06 RCW.

[1980 c 69 § 3; 1970 ex.s. c 63 § 5.]

RCW 43.43.650 Drug control assistance unit--Employment of necessary personnel.

Applicable Cases

The chief of the Washington state patrol may employ such criminalists, chemists, clerical and other personnel as are necessary for the conduct of the affairs of the drug control assistance unit.

[1970 ex.s. c 63 § 6.]

RCW 43.43.655 Drug control assistance unit--Special narcotics enforcement unit.

Applicable Cases

A special narcotics enforcement unit is established within the Washington state patrol drug control assistance unit. The unit shall be coordinated between the Washington state patrol,

the attorney general, and the Washington association of sheriffs and police chiefs. The initial unit shall consist of attorneys, investigators, and the necessary accountants and support staff. It is the responsibility of the unit to: (1) Conduct criminal narcotic profiteering investigations and assist with prosecutions, (2) train local undercover narcotic agents, and (3) coordinate federal, state, and local interjurisdictional narcotic investigations.

[1989 c 271 § 235.]

Notes:

Reviser's note: 1989 c 271 § 235 directed that this section be added to chapter 9A.82 RCW. Since this placement appears inappropriate, this section has been codified in chapter 43.43 RCW.

Severability--1989 c 271: See note following RCW 9.94A.310.

RCW 43.43.670 Bureau of forensic laboratory services--Powers--Priorities.

Applicable Cases

(1) There is created in the Washington state patrol a bureau of forensic laboratory services system which is authorized to:

(a) Provide laboratory services for the purpose of analyzing and scientifically handling any physical evidence relating to any crime.

(b) Provide training assistance for local law enforcement personnel.

(c) Provide all necessary toxicology services requested by all coroners, medical examiners, and prosecuting attorneys.

(2) The bureau of forensic laboratory services shall assign priority to a request for services with due regard to whether the case involves criminal activity against persons. The Washington state forensic investigations council shall assist the bureau of forensic laboratory services in devising policies to promote the most efficient use of laboratory services consistent with this section. The forensic investigations council shall be actively involved in the preparation of the bureau of forensic laboratory services budget and shall approve the bureau of forensic laboratory services budget prior to its formal submission by the state patrol to the office of financial management pursuant to RCW 43.88.030.

[1999 c 40 § 6; 1995 c 398 § 1; 1980 c 69 § 2.]

Notes:

Effective date--1999 c 40: See note following RCW 43.103.010.

RCW 43.43.680 Controlled substance, simulator solution analysis--Prima facie evidence.

Applicable Cases

(1) In all prosecutions involving the analysis of a controlled substance or a sample of a controlled substance by the crime laboratory system of the state patrol, a certified copy of the analytical report signed by the supervisor of the state patrol's crime laboratory or the forensic scientist conducting the analysis is prima facie evidence of the results of the analytical findings.

(2) The defendant or a prosecutor may subpoena the forensic scientist who conducted the analysis of the substance to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if the subpoena is issued at least ten days prior to the trial date.

(3) In all prosecutions involving the analysis of a certified simulator solution by the Washington state toxicology laboratory of the University of Washington, a certified copy of the analytical report signed by the state toxicologist or the toxicologist conducting the analysis is prima facie evidence of the results of the analytical findings, and of certification of the simulator solution used in the BAC verifier datamaster or any other alcohol/breath-testing equipment subsequently adopted by rule.

(4) The defendant of a prosecution may subpoena the toxicologist who conducted the analysis of the simulator solution to testify at the preliminary hearing and trial of the issue at no cost to the defendant, if thirty days prior to issuing the subpoena the defendant gives the state toxicologist notice of the defendant's intention to require the toxicologist's appearance.

[1994 c 271 § 501; 1992 c 129 § 1.]

Notes:

Purpose--Severability--1994 c 271: See notes following RCW 9A.28.020.

RCW 43.43.690 Crime laboratory analysis--Guilty persons to pay fee.

Applicable Cases

(1) When a person has been adjudged guilty of violating any criminal statute of this state and a crime laboratory analysis was performed by a state crime laboratory, in addition to any other disposition, penalty, or fine imposed, the court shall levy a crime laboratory analysis fee of one hundred dollars for each offense for which the person was convicted. Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(2) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of any criminal statute of this state and a crime laboratory analysis was performed, in addition to any other disposition imposed, the court shall assess a crime laboratory analysis fee of one hundred dollars for each adjudication. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee [if] it finds that the minor does not have the ability to pay the fee.

(3) All crime laboratory analysis fees assessed under this section shall be collected by the clerk of the court and forwarded to the state general fund, to be used only for crime laboratories. The clerk may retain five dollars to defray the costs of collecting the fees.

[1992 c 129 § 2.]

RCW 43.43.700 Identification, child abuse, vulnerable adult abuse, and criminal history section--Generally.

Applicable Cases

There is hereby established within the Washington state patrol a section on identification, child abuse, vulnerable adult abuse, and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received

in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

The section shall also contain like information concerning persons, over the age of eighteen years, who have been found to have physically abused or sexually abused or exploited a child pursuant to a dependency proceeding under chapter 13.34 RCW, or to have abused or financially exploited a vulnerable adult pursuant to a protection proceeding under chapter 74.34 RCW.

[1998 c 141 § 2; 1989 c 334 § 6; 1987 c 486 § 9; 1985 c 201 § 7; 1984 c 17 § 17; 1972 ex.s. c 152 § 1.]

RCW 43.43.705 Identification data--Processing procedure--Definitions.

Applicable Cases

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies, or to the department of social and health services, hereinafter referred to as the "department", a transcript of the criminal offender record information, dependency record information, or protection proceeding record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.785 the following words and phrases shall have the following meanings:

"Criminal offender record information" includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. "Criminal offender record information" shall not include intelligence, analytical, or investigative reports and files.

"Criminal justice agencies" are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

"Dependency record information" includes and shall be restricted to identifying data regarding a person, over the age of eighteen, who was a party to a dependency proceeding brought under chapter 13.34 RCW and who has been found, pursuant to such dependency proceeding, to have sexually abused or exploited or physically abused a child.

"Protection proceeding record information" includes and shall be restricted to identifying data regarding a person, over eighteen, who was a respondent to a protection proceeding brought under chapter 74.34 RCW and who has been found pursuant to such a proceeding to have abused or financially exploited a vulnerable adult.

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination by notifying the chief in writing within thirty days. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW and in accordance with procedures for adjudicative proceedings under chapter 34.05 RCW.

[1999 c 151 § 1101; 1989 c 334 § 7; 1987 c 486 § 10; 1985 c 201 § 8; 1977 ex.s. c 314 § 14; 1972 ex.s. c 152 § 2.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.43.710 Availability of information.

Applicable Cases

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies upon the filing of an application as provided in RCW 43.43.705.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

[1995 c 369 § 13; 1987 c 486 § 11; 1986 c 266 § 87; 1985 c 201 § 9; 1979 ex.s. c 36 § 7. Prior: 1977 ex.s. c 314 § 15; 1977 ex.s. c 30 § 1; 1972 ex.s. c 152 § 3.]

Notes:

Effective date--1995 c 369: See note following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.715 Identification--Cooperation with other criminal justice agencies.

Applicable Cases

The section shall, consistent with the procedures set forth in *this 1972 act, cooperate with all other criminal justice agencies, and the department, within or without the state, in an exchange of information regarding convicted criminals and those suspected of or wanted for the commission of crimes, and persons who are the subject of dependency record information or protection proceeding record information, to the end that proper identification may rapidly be made and the ends of justice served.

[1989 c 334 § 8; 1985 c 201 § 10; 1972 ex.s. c 152 § 4.]

Notes:

***Reviser's note:** For "this 1972 act" [1972 ex.s. c 152], see note following RCW 43.43.810.

RCW 43.43.720 Local identification and records systems--Assistance.

Applicable Cases

At the request of any criminal justice agency within this state, the section may assist such agency in the establishment of local identification and records systems.

[1972 ex.s. c 152 § 5.]

RCW 43.43.725 Records as evidence.

Applicable Cases

Any copy of a criminal offender record, photograph, fingerprint, or other paper or document in the files of the section, including dependency record information, certified by the chief or his designee to be a true and complete copy of the original or of information on file with the section, shall be admissible in evidence in any court of this state pursuant to the provisions of RCW 5.44.040.

[1985 c 201 § 11; 1972 ex.s. c 152 § 6.]

RCW 43.43.730 Records--Inspection--Requests for purge or modification--Appeals.

Applicable Cases

(1) Any individual shall have the right to inspect criminal offender record information, or dependency record information, on file with the section which refers to him. If an individual believes such information to be inaccurate or incomplete, he may request the section to purge, modify or supplement it and to advise such persons or agencies who have received his record and whom the individual designates to modify it accordingly. Should the section decline to so act, or should the individual believe the section's decision to be otherwise unsatisfactory, the individual may appeal such decision to the superior court in the county in which he is resident, or the county from which the disputed record emanated or Thurston county. The court shall in such case conduct a de novo hearing, and may order such relief as it finds to be just and equitable.

(2) The section may prescribe reasonable hours and a place for inspection, and may impose such additional restrictions, including fingerprinting, as are reasonably necessary both to assure the record's security and to verify the identities of those who seek to inspect them: PROVIDED, That the section may charge a reasonable fee for fingerprinting.

[1985 c 201 § 12; 1977 ex.s. c 314 § 16; 1972 ex.s. c 152 § 7.]

RCW 43.43.735 Photographing and fingerprinting--Powers and duties of law enforcement agencies, department of licensing, and courts--Other data.

Applicable Cases

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies

duly operating within this state, to cause the photographing and fingerprinting of all adults and juveniles lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor. (a) When such juveniles are brought directly to a juvenile detention facility, the juvenile court administrator is also authorized, but not required, to cause the photographing, fingerprinting, and record transmittal to the appropriate law enforcement agency; and (b) a further exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all adults lawfully arrested, all persons who are the subject of dependency record information, or all persons who are the subject of protection proceeding record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons whose photograph and fingerprints are required or allowed to be taken under this section, all persons who are the subject of dependency record information, or all persons who are the subject of protection proceeding record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the department of health or the court having jurisdiction over the dependency action and protection proceedings under chapter 74.34 RCW to cause the fingerprinting of all persons who are the subject of a disciplinary board final decision, dependency record information, protection proceeding record information, or to obtain other necessary identifying information, as specified by the section in rules adopted under chapter 34.05 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency or protection proceeding action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are the subject of dependency record information or protection proceeding record information, when in the discretion of the court it is necessary for proper identification of the person.

[1991 c 3 § 297. Prior: 1989 c 334 § 9; 1989 c 6 § 2; prior: 1987 c 486 § 12; 1987 c 450 § 2; 1985 c 201 § 13; 1972 ex.s. c 152 § 8.]

RCW 43.43.740 Photographing and fingerprinting--Transmittal of data--Compliance audits.

Applicable Cases

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed

by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof.

(3) It shall be the duty of the court having jurisdiction over the dependency action to furnish dependency record information, obtained pursuant to RCW 43.43.735, to the section within seven days, excluding Saturdays, Sundays, and holidays, from the date that the court enters a finding, pursuant to a dependency action brought under chapter 13.34 RCW, that a person over the age of eighteen, who is a party to the dependency action, has sexually abused or exploited or physically abused a child.

(4) The court having jurisdiction over the dependency or protection proceeding action may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. These records shall remain in the possession of the court as part of the identification record and are not returnable to the subjects thereof.

(5) It shall be the duty of a court having jurisdiction over the protection proceeding to furnish protection proceeding record information, obtained under RCW 43.43.735 to the section within seven days, excluding Saturdays, Sundays, and holidays, from the date that the court enters a final order pursuant to a protection proceeding brought under chapter 74.34 RCW, that a person over the age of eighteen, who is the respondent to the protection proceeding, has abused or financially exploited a vulnerable adult as that term is defined in RCW 43.43.830.

(6) The section shall administer periodic compliance audits for the department of licensing and each court having jurisdiction over dependency and protection proceeding actions as defined in chapters 13.34 and 74.34 RCW, respectively. Such audits shall ensure that all dependency record information regarding persons over the age of eighteen years has been furnished to the section as required in subsection (3) of this section.

[1989 c 334 § 10. Prior: 1987 c 486 § 13; 1987 c 450 § 3; 1985 c 201 § 14; 1972 ex.s. c 152 § 9.]

RCW 43.43.742 Submission of fingerprints taken from persons for noncriminal purposes--Fees.

Applicable Cases

The Washington state patrol shall adopt rules concerning submission of fingerprints taken by local agencies after July 26, 1987, from persons for license application or other noncriminal purposes. The Washington state patrol may charge fees for submission of fingerprints which will cover as nearly as practicable the direct and indirect costs to the Washington state patrol of processing such submission.

[1987 c 450 § 4.]

RCW 43.43.745 Convicted persons, fingerprinting required, records--Furloughs, information to section, notice to local agencies--Arrests, disposition information--Convicts,

information to section, notice to local agencies--Registration of sex offenders.

Applicable Cases

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66.012 the department of corrections shall notify, thirty days prior to the beginning of such furlough, the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest Washington state patrol district facility in the county wherein the furloughed prisoner is to be residing, and other similar criminal justice agencies that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the thirty-day time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.05 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state indeterminate sentence review board, or is discharged from custody on expiration of sentence, the department of corrections shall promptly notify the sheriff or director of public safety, the nearest Washington state patrol district facility, and other similar criminal justice agencies that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his or her release or discharge.

Local law enforcement agencies shall require persons convicted of sex offenses to register pursuant to RCW 9A.44.130. In addition, nothing in this section shall be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from registration pursuant to RCW 9A.44.130 which source may include any officer or other agency or subdivision of the state.

(5) The existence of the notice requirement in subsection (2) of this section will not require any extension of the release date in the event the release plan changes after notification.

[1994 c 129 § 7; 1993 c 24 § 1; 1990 c 3 § 409; 1985 c 346 § 6; 1973 c 20 § 1; 1972 ex.s. c 152 § 10.]

Notes:

Findings--Intent--1994 c 129: See note following RCW 4.24.550.

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

Construction--Prior rules and regulations--1973 c 20: See note following RCW 72.66.010.

RCW 43.43.750 Use of force to obtain identification information--Liability.

Applicable Cases

In exercising their duties and authority under RCW 43.43.735 and 43.43.740, the sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may, consistent with constitutional and legal requirements, use such reasonable force as is necessary to compel an unwilling person to submit to being photographed, or fingerprinted, or to submit to any other identification procedure, except interrogation, which will result in obtaining physical evidence serving to identify such person. No one having the custody of any person subject to the identification procedures provided for in *this act, and no one acting in his aid or under his direction, and no one concerned in such publication as is provided for in RCW 43.43.740, shall incur any liability, civil or criminal, for anything lawfully done in the exercise of the provisions of *this act.

[1972 ex.s. c 152 § 11.]

Notes:

***Reviser's note:** For "this act" [1972 ex.s. c 152], see note following RCW 43.43.810.

RCW 43.43.752 DNA identification system--Plan--Report.

Applicable Cases

(1) To support criminal justice services in the local communities throughout this state, the state patrol in consultation with the University of Washington school of medicine shall develop a plan for and establish a DNA identification system. In implementing the plan, the state patrol shall purchase the appropriate equipment and supplies. The state patrol shall procure the most efficient equipment available.

(2) The DNA identification system as established shall be compatible with that utilized by the federal bureau of investigation.

(3) The state patrol and the University of Washington school of medicine shall report on the DNA identification system to the legislature no later than November 1, 1989. The report shall include a timeline for implementing each stage, a local agency financial participation analysis, a system analysis, a full cost/purchase analysis, a vendor bid evaluation, and a space location analysis that includes a site determination. The state patrol shall coordinate the preparation of this report with the office of financial management.

[1989 c 350 § 2.]

Notes:

Finding--1989 c 350: "The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process

for identifying this pattern is called "DNA identification."

The legislature further finds that the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in *RCW 9.94A.030(26) and violent offenses as defined in **RCW 9.94A.030(29)." [1989 c 350 § 1.]

Reviser's note: *(1) RCW 9.94A.030 was amended by 1989 c 252 § 2, changing subsection (26) to subsection (29); and subsequently was amended by 1994 c 1 § 3, changing subsection (29) to subsection (31); and subsequently was amended by 1995 c 108 § 1, changing subsection (31) to subsection (33); and subsequently was amended by 1999 c 196 § 2, changing subsection (33) to subsection (36).

***(2) RCW 9.94A.030 was amended by 1989 c 252 § 2, changing subsection (29) to subsection (32); and subsequently was amended by 1993 c 338 § 2 and 1994 c 1 § 3, changing subsection (32) to subsection (36); and subsequently was amended by 1995 c 108 § 1, changing subsection (36) to subsection (38); and subsequently was amended by 1999 c 196 § 2, changing subsection (38) to subsection (41).

Funding limitations--1989 c 350: "Any moneys received by the state from the federal bureau of justice assistance shall be used to conserve state funds if not inconsistent with the terms of the grant. To the extent that federal funds are available for the purposes of this act, state funds appropriated in this section shall lapse and revert to the general fund." [1989 c 350 § 8.] For codification of "this act" [1989 c 350], see Codification Tables, Volume 0.

RCW 43.43.754 DNA identification system--Sex offenders, blood analysis.

Applicable Cases

Every adult or juvenile individual convicted of a felony or adjudicated guilty of an equivalent juvenile offense defined as a sex offense under *RCW 9.94A.030(33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn for purposes of DNA identification analysis. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who are serving or who are to serve a term of confinement in a county jail or detention facility, the county shall be responsible for obtaining blood samples either as part of the intake process into the county jail or detention facility for those persons convicted on or after July 25, 1999, or within a reasonable time after July 25, 1999, for those persons incarcerated prior to July 25, 1999, who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a division of juvenile rehabilitation facility, the facility holding the person shall be responsible for obtaining blood samples either as part of the intake process into such facility for those persons convicted on or after July 25, 1999, or within a reasonable time after July 25, 1999, for those persons incarcerated prior to July 25, 1999, who have not yet had a blood sample drawn, beginning with those persons who will be released the soonest. Any blood sample taken pursuant to RCW 43.43.752 through 43.43.758 shall be used solely for the purpose of providing DNA or other blood grouping tests for identification analysis and prosecution of a sex offense or a violent offense.

This section applies to all adults who are convicted after July 1, 1990; and to all adults who were convicted on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty after July 1, 1994; and to all juveniles who were adjudicated guilty on or prior to July 1, 1994, and who are still incarcerated

on or after July 25, 1999.

[1999 c 329 § 2; 1994 c 271 § 402; 1990 c 230 § 3; 1989 c 350 § 4.]

Notes:

***Reviser's note:** RCW 9.94A.030 was amended by 1999 c 196 § 2, changing subsection (33) to subsection (36).

Findings--1999 c 329: "The legislature finds it necessary to expand the current pool of convicted offenders who must have a blood sample drawn for purposes of DNA identification analysis. The legislature further finds that there is a high rate of recidivism among certain types of violent and sex offenders and that drawing blood is minimally intrusive. Creating an expanded DNA data bank bears a rational relationship to the public's interest in enabling law enforcement to better identify convicted violent and sex offenders who are involved in unsolved crimes, who escape to reoffend, and who reoffend after release." [1999 c 329 § 1.]

Severability--1999 c 329: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 329 § 3.]

Finding--1994 c 271: "The legislature finds that DNA identification analysis is an accurate and useful law enforcement tool for identifying and prosecuting sexual and violent offenders. The legislature further finds no compelling reason to exclude juvenile sexual and juvenile violent offenders from DNA identification analysis." [1994 c 271 § 401.]

Purpose--Severability--1994 c 271: See notes following RCW 9A.28.020.

Finding--Funding limitations--1989 c 350: See notes following RCW 43.43.752.

RCW 43.43.756 DNA identification system--Analysis, assistance, and testimony services.

Applicable Cases

The state patrol in consultation with the University of Washington school of medicine may:

- (1) Provide DNA analysis services to law enforcement agencies throughout the state after July 1, 1990;
- (2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and
- (3) Provide expert testimony in court on DNA evidentiary issues.

[1989 c 350 § 5.]

Notes:

Finding--Funding limitations--1989 c 350: See notes following RCW 43.43.752.

RCW 43.43.758 DNA identification system--Local law enforcement systems--Limitations.

Applicable Cases

(1) Except as provided in subsection (2) of this section, no local law enforcement agency may establish or operate a DNA identification system before July 1, 1990, and unless:

(a) The equipment of the local system is compatible with that of the state system under RCW 43.43.752;

(b) The local system is equipped to receive and answer inquiries from the Washington state patrol DNA identification system and transmit data to the Washington state patrol DNA identification system; and

(c) The procedure and rules for the collection, analysis, storage, expungement, and use of DNA identification data do not conflict with procedures and rules applicable to the state patrol DNA identification system.

(2) Nothing in this section shall prohibit a local law enforcement agency from performing DNA identification analysis in individual cases to assist law enforcement officials and prosecutors in the preparation and use of DNA evidence for presentation in court.

[1990 c 230 § 2; 1989 c 350 § 6.]

Notes:

Finding--Funding limitations--1989 c 350: See notes following RCW 43.43.752.

RCW 43.43.759 DNA identification system--Rule-making requirements.

Applicable Cases

The Washington state patrol shall adopt rules to implement RCW 43.43.752 through 43.43.758. The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758.

[1990 c 230 § 1.]

RCW 43.43.760 Personal identification--Requests--Purpose--Applicants--Fee.

Applicable Cases

(1) Whenever a resident of this state appears before any law enforcement agency and requests an impression of his fingerprints to be made, such agency may comply with his request and make the required copies of the impressions on forms marked "Personal Identification". The required copies shall be forwarded to the section and marked "for personal identification only".

The section shall accept and file such fingerprints submitted voluntarily by such resident, for the purpose of securing a more certain and easy identification in case of death, injury, loss of memory, or other similar circumstances. Upon the request of such person, the section shall return his identification data.

(2) Whenever any person is an applicant for appointment to any position or is an applicant for employment or is an applicant for a license to be issued by any governmental agency, and the law or a regulation of such governmental agency requires that the applicant be of good moral character or not have been convicted of a crime, or is an applicant for appointment to or employment with a criminal justice agency, or the department, the applicant may request any law enforcement agency to make an impression of his fingerprints to be submitted to the section. The law enforcement agency may comply with such request and make copies of the impressions on forms marked "applicant", and submit such copies to the section.

The section shall accept such fingerprints and shall cause its files to be examined and shall promptly send to the appointing authority, employer, or licensing authority indicated on the form of application, a transcript of the record of previous crimes committed by the person described on the data submitted, or a transcript of the dependency record information regarding the person described on the data submitted, or if there is no record of his commission of any

crimes, or if there is no dependency record information, a statement to that effect.

(3) The Washington state patrol shall charge fees for processing of noncriminal justice system requests for criminal history record information pursuant to this section which will cover, as nearly as practicable, the direct and indirect costs to the patrol of processing such requests.

Any law enforcement agency may charge a fee not to exceed five dollars for the purpose of taking fingerprint impressions or searching its files of identification for noncriminal purposes.

[1985 c 201 § 15; 1983 c 184 § 1; 1972 ex.s. c 152 § 13.]

Notes:

Dissemination of information--Limitations--Disclaimer of liability: RCW 43.43.815.

RCW 43.43.765 Reports of transfer, release or changes as to committed or imprisoned persons--Records.

Applicable Cases

The principal officers of the jails, correctional institutions, state mental institutions and all places of detention to which a person is committed under chapter 10.77 RCW, chapter 71.06 RCW, or chapter 71.09 RCW for treatment or under a sentence of imprisonment for any crime as provided for in RCW 43.43.735 shall within seventy-two hours, report to the section, any interinstitutional transfer, release or change of release status of any person held in custody pursuant to the rules promulgated by the chief.

The principal officers of all state mental institutions to which a person has been committed under chapter 10.77 RCW, chapter 71.06 RCW, or chapter 71.09 RCW shall keep a record of the photographs, description, fingerprints, and other identification data as may be obtainable from the appropriate criminal justice agency.

[1990 c 3 § 131; 1983 c 3 § 108; 1972 ex.s. c 152 § 14.]

Notes:

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 43.43.770 Unidentified deceased persons.

Applicable Cases

It shall be the duty of the sheriff or director of public safety of every county, or the chief of police of every city or town, or the chief officer of other law enforcement agencies operating within this state, coroners or medical examiners, to record whenever possible the fingerprints and such other identification data as may be useful to establish identity, of all unidentified dead bodies found within their respective jurisdictions, and to furnish to the section all data so obtained. The section shall search its files and otherwise make a reasonable effort to determine the identity of the deceased and notify the contributing agency of the finding.

In all cases where there is found to exist a criminal record for the deceased, the section shall notify the federal bureau of investigation and each criminal justice agency, within or outside the state in whose jurisdiction the decedent has been arrested, of the date and place of death of decedent.

[1972 ex.s. c 152 § 15.]

RCW 43.43.775 Interagency contracts.

Applicable Cases

The legislative authority of any county, city or town may authorize its sheriff, director of public safety or chief of police to enter into any contract with another public agency which is necessary to carry out the provisions of *this act.

[1972 ex.s. c 152 § 16.]

Notes:

***Reviser's note:** For "this act" [1972 ex.s. c 152], see note following RCW 43.43.810.

RCW 43.43.780 Transfer of records, data, equipment to section.

Applicable Cases

All fingerprint cards, photographs, file cabinets, equipment, and other records collected and filed by the bureau of criminal identification, and now in the department of social and health services shall be transferred to the Washington state patrol for use by the section on identification created by *this act.

[1972 ex.s. c 152 § 17.]

Notes:

***Reviser's note:** For "this act" [1972 ex.s. c 152], see note following RCW 43.43.810.

RCW 43.43.785 Criminal justice services--Consolidation--Establishment of program.

Applicable Cases

The legislature finds that there is a need for the Washington state patrol to establish a program which will consolidate existing programs of criminal justice services within its jurisdiction so that such services may be more effectively utilized by the criminal justice agencies of this state. The chief shall establish such a program which shall include but not be limited to the identification section, all auxiliary systems including the Washington crime information center and the teletypewriter communications network, the drug control assistance unit, and any other services the chief deems necessary which are not directly related to traffic control.

[1999 c 151 § 1102; 1972 ex.s. c 152 § 18.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.43.800 Criminal justice services programs--Duties of executive committee.

Applicable Cases

The executive committee created in RCW 10.98.160 shall review the provisions of RCW 43.43.700 through 43.43.785 and the administration thereof and shall consult with and advise the

chief of the state patrol on matters pertaining to the policies of criminal justice services program.

[1999 c 151 § 1103; 1972 ex.s. c 152 § 21.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.43.810 Obtaining information by false pretenses--Unauthorized use of information--Falsifying records--Penalty.

Applicable Cases

Any person who wilfully requests, obtains or seeks to obtain criminal offender record information under false pretenses, or who wilfully communicates or seeks to communicate criminal offender record information to any agency or person except in accordance with *this act, or any member, officer, employee or agent of the section, the council or any participating agency, who wilfully falsifies criminal offender record information, or any records relating thereto, shall for each such offense be guilty of a misdemeanor.

[1977 ex.s. c 314 § 17; 1972 ex.s. c 152 § 23.]

Notes:

***Reviser's note:** "This act" [1972 ex.s. c 152] consists of the enactment of RCW 43.43.700 through 43.43.820 and 43.43.910 and the repeal of RCW 43.43.520, 43.43.660, 43.89.020, and 72.50.120 through 72.50.170.

RCW 43.43.815 Conviction record furnished to employer--Purposes--Notification to subject of record--Fees--Limitations--Injunctive relief, damages, attorneys' fees--Disclaimer of liability--Rules.

Applicable Cases

(1) Notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the Washington state patrol shall furnish a conviction record, as defined in RCW 10.97.030, pertaining to any person of whom the Washington state patrol has a record upon the written or electronic request of any employer for the purpose of:

(a) Securing a bond required for any employment;

(b) Conducting preemployment and postemployment evaluations of employees and prospective employees who, in the course of employment, may have access to information affecting national security, trade secrets, confidential or proprietary business information, money, or items of value; or

(c) Assisting an investigation of suspected employee misconduct where such misconduct may also constitute a penal offense under the laws of the United States or any state.

(2) When an employer has received a conviction record under subsection (1) of this section, the employer shall notify the subject of the record of such receipt within thirty days after receipt of the record, or upon completion of an investigation under subsection (1)(c) of this section. The employer shall make the record available for examination by its subject and shall notify the subject of such availability.

(3) The Washington state patrol shall charge fees for disseminating records pursuant to this section which will cover, as nearly as practicable, the direct and indirect costs to the Washington state patrol of disseminating such records.

(4) Information disseminated pursuant to this section or RCW 43.43.760 shall be available only to persons involved in the hiring, background investigation, or job assignment of the person whose record is disseminated and shall be used only as necessary for those purposes enumerated in subsection (1) of this section.

(5) Any person may maintain an action to enjoin a continuance of any act or acts in violation of any of the provisions of this section, and if injured thereby, for the recovery of damages and for the recovery of reasonable attorneys' fees. If, in such action, the court finds that the defendant is violating or has violated any of the provisions of this section, it shall enjoin the defendant from a continuance thereof, and it shall not be necessary that actual damages to the plaintiff be alleged or proved. In addition to such injunctive relief, the plaintiff in the action is entitled to recover from the defendant the amount of the actual damages, if any, sustained by him if actual damages to the plaintiff are alleged and proved. In any suit brought to enjoin a violation of this chapter, the prevailing party may be awarded reasonable attorneys' fees, including fees incurred upon appeal. Commencement, pendency, or conclusion of a civil action for injunction or damages shall not affect the liability of a person or agency to criminal prosecution for a violation of chapter 10.97 RCW.

(6) Neither the section, its employees, nor any other agency or employee of the state is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of information pursuant to this section or RCW 43.43.760.

(7) The Washington state patrol may adopt rules and forms to implement this section and to provide for security and privacy of information disseminated pursuant hereto, giving first priority to the criminal justice requirements of chapter 43.43 RCW. Such rules may include requirements for users, audits of users, and other procedures to prevent use of criminal history record information inconsistent with this section.

(8) Nothing in this section shall authorize an employer to make an inquiry not otherwise authorized by law, or be construed to affect the policy of the state declared in RCW 9.96A.010, encouraging the employment of ex-offenders.

[1995 c 169 § 1; 1982 c 202 § 1.]

RCW 43.43.820 Stale records.

Applicable Cases

Stale records shall be destroyed in a manner to be prescribed by the chief.

[1972 ex.s. c 152 § 25.]

RCW 43.43.830 Background checks--Access to children or vulnerable persons--Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; or

(c) Any prospective adoptive parent, as defined in RCW 26.33.020.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; child abuse or neglect as

defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Disciplinary board final decision" means any final decision issued by a disciplining authority under chapter 18.130 RCW or the secretary of the department of health for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathic medicine and surgery;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing; and
- (l) Psychology.

"Disciplinary board final decision," for real estate brokers and salespersons, means any final decision issued by the director of the department of licensing for real estate brokers and salespersons.

(9) "Unsupervised" means not in the presence of:

- (a) Another employee or volunteer from the same business or organization as the applicant; or
- (b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(10) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(11) "Financial exploitation" means the illegal or improper use of a vulnerable adult or

that adult's resources for another person's profit or advantage.

(12) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

[1999 c 45 § 5; 1998 c 10 § 1; 1996 c 178 § 12; 1995 c 250 § 1; 1994 c 108 § 1; 1992 c 145 § 16. Prior: 1990 c 146 § 8; 1990 c 3 § 1101; prior: 1989 c 334 § 1; 1989 c 90 § 1; 1987 c 486 § 1.]

Notes:

Effective date--1996 c 178: See note following RCW 18.35.110.

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

At-risk children volunteer program: RCW 43.150.080.

Developmentally disabled persons: RCW 41.06.475.

State hospitals: RCW 72.23.035.

RCW 43.43.832 Background checks--Disclosure of child abuse or financial exploitation activity--Sharing of criminal background information by health care facilities.

Applicable Cases

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation, but only if the victim was a vulnerable adult, adjudications of child abuse in a civil action, the issuance of a protection order against the respondent under chapter 74.34 RCW, and disciplinary board final decisions and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services must consider the information listed in subsection (1) of this section in the following circumstances:

(a) When considering persons for state positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults;

(b) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(c) When contracting with individuals or businesses or organizations for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

[1997 c 392 § 524; 1995 c 250 § 2; 1993 c 281 § 51; 1990 c 3 § 1102. Prior: 1989 c 334 § 2; 1989 c 90 § 2; 1987 c 486 § 2.]

Notes:

Short title--Findings--Construction--Conflict with federal requirements--Part headings and captions not law--1997 c 392: See notes following RCW 74.39A.009.

Effective date--1993 c 281: See note following RCW 41.06.022.

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 43.43.833 Background checks--State immunity.

Applicable Cases

If information is released under this chapter by the state of Washington, the state and its employees: (1) Make no representation that the subject of the inquiry has no criminal record or adverse civil or administrative decisions; (2) make no determination that the subject of the inquiry is suitable for involvement with a business or organization; and (3) are not liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information.

[1997 c 392 § 529.]

Notes:

Short title--Findings--Construction--Conflict with federal requirements--Part headings and captions not law--1997 c 392: See notes following RCW 74.39A.009.

RCW 43.43.834 Background checks by business, organization, or insurance company--Limitations--Civil liability.

Applicable Cases

(1) A business or organization shall not make an inquiry to the Washington state patrol under RCW 43.43.832 or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer, that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

- (a) Convicted of any crime against children or other persons;
- (b) Convicted of crimes relating to financial exploitation if the victim was a vulnerable adult;
- (c) Convicted of crimes related to drugs as defined in RCW 43.43.830;
- (d) Found in any dependency action under RCW 13.34.040 to have sexually assaulted or exploited any minor or to have physically abused any minor;
- (e) Found by a court in a domestic relations proceeding under Title 26 RCW to have

sexually abused or exploited any minor or to have physically abused any minor;

(f) Found in any disciplinary board final decision to have sexually or physically abused or exploited any minor or developmentally disabled person or to have abused or financially exploited any vulnerable adult; or

(g) Found by a court in a protection proceeding under chapter 74.34 RCW, to have abused or financially exploited a vulnerable adult.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against children or other persons and all crimes relating to financial exploitation as defined in RCW 43.43.830 in which the victim was a vulnerable adult.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under RCW 43.43.838.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited, except as provided in RCW 28A.320.155. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on an applicant unless the failure to do so constitutes gross negligence.

[1999 c 21 § 2; 1998 c 10 § 3; 1990 c 3 § 1103. Prior: 1989 c 334 § 3; 1989 c 90 § 3; 1987 c 486 § 3.]

Notes:

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 43.43.835 Background checks--Drug-related conviction information.

Applicable Cases

For purposes of background checks, convictions for crimes relating to drugs may be used as a tool for investigation and may be used for any decision regarding the person's suitability for a position in which the person may have unsupervised access to children or vulnerable adults.

[1998 c 10 § 2.]

RCW 43.43.836 Disclosure to individual of own record--Fee.

Applicable Cases

An individual may contact the state patrol to ascertain whether that same individual has a civil adjudication, disciplinary board final decision, or conviction record. The state patrol shall disclose such information, subject to the fee established under RCW 43.43.838.

[1987 c 486 § 4.]

RCW 43.43.838 Record checks--Transcript of conviction record, disciplinary board decision, criminal charges, or civil adjudication--Finding of no evidence, identification document--Immunity--Rules.

Applicable Cases

(1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

- (a) The subject of the inquiry;
- (b) Any business or organization for the purpose of conducting evaluations under RCW 43.43.832;
- (c) The department of social and health services;
- (d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or
- (e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose is to regulate or license a facility which handles vulnerable adults. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision and any subsequent criminal charges associated with the conduct that is the subject of the disciplinary board final decision, or adjudication record shows no evidence of a crime against children or other persons or, in the case of vulnerable adults, no evidence of crimes relating to financial exploitation in which the victim was a vulnerable adult, an identification declaring the showing of no evidence shall be issued to the business or organization by the state patrol and shall be issued within fourteen working days of the request. The business or organization shall provide a copy of the identification declaring the showing of no evidence to the applicant. Possession of such identification shall satisfy future record check requirements for the applicant for a two-year period unless the prospective employee is any current school district employee who has applied for a position in another school district.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization for the records check: PROVIDED FURTHER, That in the

case of record checks using fingerprints requested by school districts and educational service districts, the state patrol shall charge only for the incremental costs associated with checking fingerprints in addition to name and date of birth. Record checks requested by school districts and educational service districts using only name and date of birth shall continue to be provided free of charge.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under RCW 43.43.830 through 43.43.840 or 43.43.760.

(4) Before July 26, 1987, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

[1995 c 29 § 1; 1992 c 159 § 7; 1990 c 3 § 1104. Prior: 1989 c 334 § 4; 1989 c 90 § 4; 1987 c 486 § 5.]

Notes:

Findings--1992 c 159: See note following RCW 28A.400.303.

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 43.43.839 Fingerprint identification account.

Applicable Cases

The fingerprint identification account is created in the custody of the state treasurer. All receipts from incremental charges of fingerprint checks requested for noncriminal justice purposes and electronic background requests shall be deposited in the account. Receipts for fingerprint checks by the federal bureau of investigation may also be deposited in the account. Expenditures from the account may be used only for the cost of record checks. Only the chief of the state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. No appropriation is required for expenditures prior to July 1, 1997. After June 30, 1997, the account shall be subject to appropriation.

[1995 c 169 § 2; 1992 c 159 § 8.]

Notes:

Findings--1992 c 159: See note following RCW 28A.400.303.

RCW 43.43.840 Notification of physical or sexual abuse or exploitation of child or vulnerable adult--Notification of employment termination because of crimes against persons.

Applicable Cases

(1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.040, domestic relations action under Title 26 RCW, or protection action under chapter 74.34 RCW, in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child or abuse or financial exploitation of a vulnerable adult.

(3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against children or other persons or because of crimes relating to the financial exploitation of a vulnerable adult, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment.

[1997 c 386 § 40. Prior: 1989 c 334 § 5; 1989 c 90 § 5; 1987 c 486 § 6.]

RCW 43.43.842 Vulnerable adults--Additional licensing requirements for agencies, facilities, and individuals providing services.

Applicable Cases

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or (iv) the subject in a protective proceeding under chapter 74.34 RCW.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and

the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

[1998 c 10 § 4; 1997 c 392 § 518; 1992 c 104 § 1; 1989 c 334 § 11.]

Notes:

Short title--Findings--Construction--Conflict with federal requirements--Part headings and captions not law--1997 c 392: See notes following RCW 74.39A.009.

RCW 43.43.845 Crimes against children--Notification of conviction or guilty plea of school employee.

Applicable Cases

(1) Upon a guilty plea or conviction of a person of any felony crime involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030, the prosecuting attorney shall determine whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district. If the person is employed by a school district

or holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives information that a person who has a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district has pled guilty to or been convicted of one of the felony crimes under subsection (1) of this section, the state patrol shall immediately transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction to provide this information to the state board of education and the school district employing the individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section.

[1990 c 33 § 577; 1989 c 320 § 6.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.
Severability--1989 c 320: See note following RCW 28A.410.090.

RCW 43.43.850 Organized crime intelligence unit--Created.

Applicable Cases

There is hereby created in the Washington state patrol an organized crime intelligence unit which shall be under the direction of the chief of the Washington state patrol.

[1973 1st ex.s. c 202 § 1.]

RCW 43.43.852 "Organized crime" defined.

Applicable Cases

For the purposes of RCW 43.43.850 through 43.43.864 "organized crime" means those activities which are conducted and carried on by members of an organized, disciplined association, engaged in supplying illegal goods and services and/or engaged in criminal activities in contravention of the laws of this state or of the United States.

[1973 1st ex.s. c 202 § 2.]

RCW 43.43.854 Powers and duties of organized crime intelligence unit.

Applicable Cases

The organized crime intelligence unit shall collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities and operations of organized crime and the participants involved therein; coordinate such intelligence data into a centralized system of intelligence information; furnish and exchange pertinent intelligence data with law enforcement agencies and prosecutors with such security and confidentiality as the chief of the Washington state patrol may determine; develop intelligence data concerning the infiltration of organized crime into legitimate businesses within the state of Washington and furnish pertinent intelligence information thereon to law enforcement agencies and prosecutors in affected jurisdictions; and may assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution of organized crime activities upon request.

[1973 1st ex.s. c 202 § 3.]

RCW 43.43.856 Divulging investigative information prohibited--Confidentiality--Security of records and files.

Applicable Cases

(1) On and after April 26, 1973 it shall be unlawful for any person to divulge specific investigative information pertaining to activities related to organized crime which he has obtained by reason of public employment with the state of Washington or its political subdivisions unless such person is authorized or required to do so by operation of state or federal law. Any person violating this subsection shall be guilty of a felony.

(2) Except as provided in RCW 43.43.854, or pursuant to the rules of the supreme court of Washington, all of the information and data collected and processed by the organized crime intelligence unit shall be confidential and not subject to examination or publication pursuant to chapter 42.17 RCW (Initiative Measure No. 276).

(3) The chief of the Washington state patrol shall prescribe such standards and procedures relating to the security of the records and files of the organized crime intelligence unit, as he deems to be in the public interest with the advice of the governor and the board.

[1973 1st ex.s. c 202 § 4.]

RCW 43.43.858 Organized crime advisory board--Created--Membership--Meetings--Travel expenses.

Applicable Cases

There is hereby created the organized crime advisory board of the state of Washington. The board shall consist of thirteen voting and two nonvoting members.

The lieutenant governor shall appoint four members of the senate to the board, no more than two of whom shall be from the same political party.

The governor shall appoint five members to the board. Two members shall be county prosecuting attorneys and shall be appointed from a list of four county prosecutors agreed upon and submitted to the governor by the elected county prosecutors. One member shall be a municipal police chief, and one member shall be a county sheriff, both of whom shall be appointed from a list of three police chiefs and three sheriffs agreed upon and submitted to the governor by the association of sheriffs and police chiefs (RCW 36.28A.010). One member shall be a retired judge of a court of record.

The United States attorneys for the western and eastern districts of Washington shall be requested to serve on the board as nonvoting members and shall not be eligible to serve as chairperson.

The speaker of the house shall appoint four members of the house of representatives to the board, no more than two of whom shall be from the same political party.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall

meet with the chief of the Washington state patrol at least four times a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Additional meetings of the board may be convened at the call of the chairperson or by a majority of the members. The board shall elect its own chairperson from among its members. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120 as now existing or hereafter amended, and the other members in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

[1987 c 65 § 1; 1980 c 146 § 14; 1975-'76 2nd ex.s. c 34 § 115; 1973 1st ex.s. c 202 § 5.]

Notes:

Severability--1980 c 146: See RCW 10.29.900.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

State-wide special inquiry judge act: Chapter 10.29 RCW.

RCW 43.43.860 Organized crime advisory board--Terms of members.

Applicable Cases

The term of each legislative member shall be two years and shall be conditioned upon such member retaining membership in the legislature and in the same political party of which he was a member at the time of appointment.

The term of each nonlegislative member shall be two years and shall be conditioned upon such member retaining the official position from which he was appointed.

[1987 c 65 § 2; 1980 c 146 § 15; 1973 1st ex.s. c 202 § 6.]

Notes:

Severability--1980 c 146: See RCW 10.29.900.

RCW 43.43.862 Organized crime advisory board--Powers and duties.

Applicable Cases

The board shall:

(1) Advise the governor on the objectives, conduct, management, and coordination of the various activities encompassing the overall state-wide organized crime intelligence effort;

(2) Conduct a continuing review and assessment of organized crime and related activities in which the organized crime intelligence unit of the Washington state patrol is engaged;

(3) Receive, consider and take appropriate action with respect to matters related to the board by the organized crime intelligence unit of the Washington state patrol in which the support of the board will further the effectiveness of the state-wide organized crime intelligence effort; and

(4) Report to the governor concerning the board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the state's organized crime intelligence effort in meeting state and national organized crime intelligence needs.

[1973 1st ex.s. c 202 § 7.]

RCW 43.43.864 Information to be furnished board--Security--Confidentiality.

Applicable Cases

In order to facilitate performance of the board's functions, the chief of the Washington state patrol shall make available to the board all information with respect to organized crime and related matters which the board may require for the purpose of carrying out its responsibilities to the governor in accordance with the provisions of RCW 43.43.850 through 43.43.864. Such information made available to the board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations and shall not be revealed or divulged publicly or privately by members of the board.

[1973 1st ex.s. c 202 § 8.]

RCW 43.43.866 Organized crime prosecution revolving fund.

Applicable Cases

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the organized crime advisory board pursuant to RCW 10.29.090, and may be made either on authorization of the governor or the governor's designee, or upon request of a majority of the members of the organized crime advisory board. In order to maintain an effective expenditure and revenue control, the organized crime prosecution revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

[1980 c 146 § 16.]

Notes:

Severability--1980 c 146: See RCW 10.29.900.

RCW 43.43.870 Missing children clearinghouse and hot line, duties of state patrol.

Applicable Cases

See chapter 13.60 RCW.

RCW 43.43.880 Agreements with contiguous states--Jointly occupied ports of entry--Collection of fees and taxes.

Applicable Cases

The Washington state patrol may negotiate and enter into bilateral agreements with designated representatives of contiguous states. Agreements may provide for the manning and operation of jointly occupied ports of entry, for the collection of highway user fees, registration fees, and taxes that may be required by statute or rule. Agreements may further provide for the collection of these fees and taxes by either party state at jointly occupied ports of entry before authorization is given for vehicles to legally operate within that state or jurisdiction, and for the

enforcement of safety, size, and weight statutes or rules of the respective states.

[1988 c 21 § 1.]

RCW 43.43.900 Severability--1969 c 12.

Applicable Cases

If any provision of this chapter or its application to any person or circumstance is held invalid the remainder of the chapter, or its application of the provision to any other person or circumstances is not affected.

[1969 c 12 § 9.]

RCW 43.43.910 Severability--1972 ex.s. c 152.

Applicable Cases

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

[1972 ex.s. c 152 § 22.]

RCW 43.43.911 Severability--1973 1st ex.s. c 202.

Applicable Cases

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

[1973 1st ex.s. c 202 § 9.]

RCW 43.43.930 State fire protection services--Intent.

Applicable Cases

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the chief of the Washington state patrol and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited

resources.

[1995 c 369 § 14; 1993 c 280 § 68; 1986 c 266 § 54. Formerly RCW 43.63A.300.]

Notes:

Application--1995 c 369: "This act does not apply to forest fire service personnel and programs." [1995 c 369 § 70.]

Effective date--1995 c 369: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 369 § 72.]

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1986 c 266: See note following RCW 38.52.005.

State fire protection: Chapter 48.48 RCW.

RCW 43.43.932 State fire protection policy board--Created--Members.

Applicable Cases

There is created the state fire protection policy board consisting of eight members appointed by the governor:

- (1) One representative of fire chiefs;
- (2) One insurance industry representative;
- (3) One representative of cities and towns;
- (4) One representative of counties;
- (5) One full-time, paid, career fire fighter;
- (6) One volunteer fire fighter;
- (7) One representative of fire commissioners; and
- (8) One representative of fire control programs of the department of natural resources.

In making the appointments required under subsections (1) through (7) [(8)] of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7) [(8)] of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent. The members of the board appointed pursuant to subsections (1) and (5) of this section and holding office on July 1, 1995, shall serve the remainder of their terms, and the reduction of the board required by section 15, chapter 369, Laws of 1995, shall occur upon the expiration of their terms.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or

the chairperson and at least four times per year.

[1995 c 369 § 15; 1986 c 266 § 55. Formerly RCW 43.63A.310.]

Notes:

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.934 State fire protection policy board--Duties--Fire training and education master plan--Fire protection master plan.

Applicable Cases

Except for matters relating to the statutory duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

(1)(a) Adopt a state fire training and education master plan that allows to the maximum feasible extent for negotiated agreements: (i) With the state board for community and technical colleges to provide academic, vocational, and field training programs for the fire service and (ii) with the higher education coordinating board and the state colleges and universities to provide instructional programs requiring advanced training, especially in command and management skills;

(b) Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities that assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;

(c) Cooperate with the common schools, technical and community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;

(d) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW;

(e) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law; and

(f) Develop and adopt a plan with a goal of providing training at the level of fire fighter one, as defined by the board, to all fire fighters in the state. The plan will include a reimbursement for fire protection districts and city fire departments of not less than two dollars for every hour of fire fighter one training. The Washington state patrol shall not provide

reimbursement for more than one hundred fifty hours of fire fighter one training for each fire fighter trained.

(2) In addition to its responsibilities for fire service training, the board shall:

(a) Adopt a state fire protection master plan;

(b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens including: (i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;

(c) Establish and promote state arson control programs and ensure development of local arson control programs;

(d) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials control;

(e) Recommend to the adjutant general rules on minimum information requirements of automatic location identification for the purposes of enhanced 911 emergency service;

(f) Seek and solicit grants, gifts, bequests, devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;

(g) Promote mutual aid and disaster planning for fire services in this state;

(h) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention; and

(i) Implement any legislation enacted by the legislature to meet the requirements of any acts of congress that apply to this section.

(3) In carrying out its statutory duties, the board shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.

To the extent possible, the board shall encourage development of regional units along compatible geographic, population, economic, and fire risk dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the state and local levels; and (e) provide models for building local capacity in fire protection programs.

[1999 c 117 § 1; 1999 c 24 § 3; 1998 c 245 § 65. Prior: 1995 c 369 § 16; 1995 c 243 § 11; 1993 c 280 § 69; 1986 c 266 § 56. Formerly RCW 43.63A.320.]

Notes:

Reviser's note: This section was amended by 1999 c 24 § 3 and by 1999 c 117 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings--1999 c 24: See note following RCW 38.52.505.

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Effective date--1995 c 243 § 11: "Section 11 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 c 243 § 13.]

Findings--Severability--1995 c 243: See notes following RCW 80.36.555.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.936 State fire protection policy board--Advisory duties.

Applicable Cases

In regards to the statutory duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the chief of the Washington state patrol and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the chief of the Washington state patrol and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

[1995 c 369 § 17; 1993 c 280 § 70; 1986 c 266 § 57. Formerly RCW 43.63A.330.]

Notes:

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.938 Director of fire protection--Appointment--Duties.

Applicable Cases

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. The board, after consulting with the chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection, in accordance with the policies, objectives, and priorities of the fire protection policy board, shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection, shall implement and administer, within constraints established by budgeted resources, the policies, objectives, and priorities of the board and all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in *RCW 43.63A.320. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

[1995 c 369 § 18; 1993 c 280 § 71; 1986 c 266 § 58. Formerly RCW 43.63A.340.]

Notes:

***Reviser's note:** RCW 43.63A.320 was recodified as RCW 43.43.934 pursuant to 1995 c 369 § 69, effective July 1, 1995.

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.940 Fire service training program--Grants and bequests.

Applicable Cases

The Washington state patrol may accept any and all donations, grants, bequests, and devises, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 43.43.934.

[1995 c 369 § 19; 1986 c 266 § 59. Formerly RCW 43.63A.350.]

Notes:

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.942 Fire service training--Fees and fee schedules.

Applicable Cases

The Washington state patrol may: (1) Impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training.

[1995 c 369 § 20; 1986 c 266 § 60. Formerly RCW 43.63A.360.]

Notes:

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.944 Fire service training account.

Applicable Cases

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
 - (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
 - (c) Twenty percent of all moneys received by the state on fire insurance premiums.
- (2) Moneys in the account may be appropriated only for fire service training.

[1999 c 117 § 2; 1995 c 369 § 21; 1986 c 266 § 61. Formerly RCW 43.63A.370.]

Notes:

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.43.946 Fire services trust fund.

Applicable Cases

The fire services trust fund is created in the state treasury. All receipts designated by the legislature shall be deposited in the fund. Appropriations from the fund may be made exclusively for the purposes specified in *RCW 43.63A.377.

[1991 c 135 § 2. Formerly RCW 43.63A.375.]

Notes:

***Reviser's note:** RCW 43.63A.377 was recodified as RCW 43.43.948 pursuant to 1995 c 369 § 69, effective July 1, 1995.

Intent--1991 c 135: "It is necessary for the health, safety, and welfare of the people of the state of Washington that fire code enforcement, public education on fire prevention, fire training for fire and emergency response personnel, and administration of these activities be funded in a dependable manner. It is therefore the intent of the legislature to establish a fund for these purposes." [1991 c 135 § 1.]

Effective date--1991 c 135: "This act is necessary for the preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 135 § 8.]

Severability--1991 c 135: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 c 135 § 9.]

RCW 43.43.948 Fire services trust fund--Expenditures.

Applicable Cases

Money from the fire services trust fund may be expended for the following purposes:

- (1) Training of fire service personnel, including both classroom and hands-on training at the state fire training center or other locations approved by the chief of the Washington state patrol through the director of fire protection services;
- (2) Maintenance and operation at the state's fire training center near North Bend. If in the future the state builds or leases other facilities as other fire training centers, a portion of these

moneys may be used for the maintenance and operation at these centers;

(3) Lease or purchase of equipment for use in the provisions of training to fire service personnel;

(4) Grants or subsidies to local jurisdictions to allow them to perform their functions under this section;

(5) Costs of administering these programs under this section;

(6) Licensing and enforcement of state laws governing the sales of fireworks; and

(7) Development with the legal fireworks industry and funding of a state-wide public education program for fireworks safety.

[1995 c 369 § 22; 1991 c 135 § 3. Formerly RCW 43.63A.377.]

Notes:

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Intent--Effective date--Severability--1991 c 135: See notes following RCW 43.43.946.

RCW 43.43.950 Fire service training center bond retirement account of 1977.

Applicable Cases

The state fire service training center bond retirement account of 1977 is hereby reestablished as an account within the treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to chapter 349, Laws of 1977 ex. sess., or chapter 470, Laws of 1985 or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the commission for vocational education or the statutory successor to its powers and duties involving the state fire training center.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund such amounts and at such times as are required by the bond proceedings.

[1991 sp.s. c 13 § 79. Formerly RCW 43.63A.380.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.43.952 Arson investigation information system--Findings--Intent.

Applicable Cases

(1) The legislature finds that provisions for information systems relating to statistics and reporting for fire prevention, suppression, and damage control do not adequately address the needs of ongoing investigations of fire incidents where the cause is suspected or determined to be the result of negligence or otherwise suggestive of some criminal activity, particularly that of arson. It is the intent of the legislature to establish an information and reporting system designed specifically to assist state and local officers in conducting such investigations and, where substantiated, to undertake prosecution of individuals suspected of such activities.

(2)(a) In addition to the information provided by local officials about the cause, origin,

and extent of loss in fires under chapter 48.48 RCW, there is hereby created the state arson investigation information system in the Washington state patrol.

(b) The chief of the Washington state patrol shall develop the arson investigation information system in consultation with representatives of the various state and local officials charged with investigating fires resulting from suspicious or criminal activities under chapter 48.48 RCW and of the insurance industry.

(c) The arson investigation information system shall be designed to include at least the following attributes: (i) The information gathered and reported shall meet the diverse needs of state and local investigating agencies; (ii) the forms and reports are drafted in understandable terms of common usage; and (iii) the results shall be adaptable to the varying levels of available resources, maintained in a manner to foster data sharing and mutual aid activities, and made available to other law enforcement agencies responsible for criminal investigations.

(d) All insurers required to report claim information under the provisions of chapter 48.50 RCW shall cooperate fully with any requests from the chief of the Washington state patrol in developing and maintaining the arson investigation information system. The confidentiality provisions of that chapter shall be fully enforced.

[1995 c 369 § 64.]

Notes:

Reviser's note: 1995 c 369 directed that this section be added to chapter 43.10 RCW. This section has been codified in chapter 43.43 RCW, which relates more directly to the functions of the chief of the Washington state patrol with regard to fire protection.

Application--Effective date--1995 c 369: See notes following RCW 43.43.930.

Chapter 43.46 RCW ARTS COMMISSION

RCW

43.46.005	Purpose.
43.46.015	Washington state arts commission established--Composition.
43.46.030	Terms--Vacancies.
43.46.040	Compensation--Travel expenses--Organization--Chairperson--Rules--Quorum.
43.46.045	Executive director--Employees.
43.46.050	Powers and duties generally.
43.46.055	Development of arts and humanities.
43.46.060	Gifts and grants.
43.46.070	Biennial report.
43.46.090	Commission as reflecting state's responsibility--Acquisition of works of art for public buildings and lands--Visual arts program established.
43.46.095	State art collection.
43.46.900	Effective date--1985 c 317.

RCW 43.46.005 Purpose.

Applicable Cases

The conservation and development of the state's artistic resources is essential to the

social, educational, and economic growth of the state of Washington. Artists, works of art, and artistic institutions contribute to the quality of life and the general welfare of the citizens of the state, and are an appropriate matter of concern to the government of the state of Washington.

[1985 c 317 § 1.]

RCW 43.46.015 Washington state arts commission established--Composition.

Applicable Cases

There is established a Washington state arts commission. The commission consists of nineteen members appointed by the governor and four members of the legislature, one from each caucus in the senate and appointed by the president of the senate and one from each caucus in the house of representatives and appointed by the speaker of the house of representatives. The governor shall appoint citizens representing the various disciplines within the visual, performing and literary arts, and other citizens active in the arts community. The governor shall consider nominations for membership from individuals actively involved in cultural, state or community organizations. The governor shall also consider geographical distribution of the membership in the appointment of new members.

[1999 c 241 § 1; 1985 c 317 § 2.]

RCW 43.46.030 Terms--Vacancies.

Applicable Cases

Members shall serve three year terms. A legislative member shall serve as long as he or she is a member of the legislative body from which he or she was appointed. Each member will continue to serve until a successor is appointed. Vacancies shall be filled by appointment for the remainder of the unexpired term.

[1985 c 317 § 3; 1967 ex.s. c 125 § 4; 1965 c 8 § 43.46.030. Prior: 1961 c 301 § 3.]

RCW 43.46.040 Compensation--Travel expenses--Organization--Chairperson--Rules--Quorum.

Applicable Cases

Members of the commission shall serve without compensation. However, nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 and legislative members shall be reimbursed as provided in RCW 44.04.120. The commission shall organize, elect a chairperson annually, and adopt rules pursuant to chapter 34.05 RCW. A majority of its members constitute a quorum. Any action as defined in RCW 42.30.020(3) shall be taken only at a meeting at which a quorum is present.

[1985 c 317 § 4; 1965 c 8 § 43.46.040. Prior: 1961 c 301 § 4.]

RCW 43.46.045 Executive director--Employees.

Applicable Cases

The governor shall select a full time executive director from a list of three names submitted by the commission by September 1, 1988, and anytime thereafter that a vacancy

occurs. The executive director shall receive no other salary and shall not be otherwise gainfully employed. Subject to the provisions of chapter 41.06 RCW, the executive director may also employ such clerical and other assistants as may be reasonably required to carry out commission functions. The executive director shall serve at the pleasure of the governor.

[1988 c 81 § 23; 1985 c 317 § 5; 1967 ex.s. c 125 § 2.]

RCW 43.46.050 Powers and duties generally.

Applicable Cases

The commission shall meet, study, plan, and advise the governor, the various departments of the state and the state legislature and shall make such recommendations as it deems proper for the cultural development of the state of Washington.

[1985 c 317 § 6; 1965 c 8 § 43.46.050. Prior: 1961 c 301 § 5.]

RCW 43.46.055 Development of arts and humanities.

Applicable Cases

The commission may develop, sponsor, promote and administer any activity, project, or program within or without this state which is related to the growth and development of the arts and humanities in the state of Washington and may assist any person or public or private agency to this end.

[1985 c 317 § 7; 1967 ex.s. c 125 § 1.]

RCW 43.46.060 Gifts and grants.

Applicable Cases

The commission may accept gifts and grants upon such terms as the commission shall deem proper.

[1965 c 8 § 43.46.060. Prior: 1961 c 301 § 6.]

RCW 43.46.070 Biennial report.

Applicable Cases

The commission shall make a biennial report of its proceedings and recommendations to the governor, which shall contain a full description of program and project activity, including fund sources and expenditures for the biennium covered by the report.

[1985 c 317 § 8; 1965 c 8 § 43.46.070. Prior: 1961 c 301 § 7.]

RCW 43.46.090 Commission as reflecting state's responsibility--Acquisition of works of art for public buildings and lands--Visual arts program established.

Applicable Cases

The legislature recognizes this state's responsibility to foster culture and the arts and its interest in the viable development of her artists and craftsmen by the establishment of the Washington state arts commission. The legislature declares it to be a policy of this state that a portion of appropriations for capital expenditures be set aside for the acquisition of works of art

to be placed in public buildings or lands. There is hereby established a visual arts program to be administered by the Washington state arts commission.

[1983 c 204 § 1; 1974 ex.s. c 176 § 1.]

Notes:

Severability--1983 c 204: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 204 § 11.]

Allocation of moneys for acquisition of works of art--Expenditure by arts commission--Conditions: RCW 43.17.200.

Colleges and universities, purchases of works of art--Procedure: RCW 28B.10.025.

Purchase of works of art--Procedure: RCW 43.19.455.

School districts, purchases of works of art--Procedure: RCW 28A.335.210.

RCW 43.46.095 State art collection.

Applicable Cases

All works of art purchased and commissioned under the visual arts program shall become a part of a state art collection developed, administered, and operated by the Washington state arts commission. All works of art previously purchased or commissioned under RCW 43.46.090, 43.17.200, 43.19.455, 28B.10.025, or 28A.335.210 shall be considered a part of the state art collection to be administered by the Washington state arts commission.

[1990 c 33 § 578; 1983 c 204 § 2.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Severability--1983 c 204: See note following RCW 43.46.090.

RCW 43.46.900 Effective date--1985 c 317.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1985.

[1985 c 317 § 10.]

**Chapter 43.52 RCW
OPERATING AGENCIES**

43.52.250	Definitions.
43.52.260	Scope of authority.
43.52.272	Power commission abolished.
43.52.290	Members of the board of directors of an operating agency--Compensation--May hold other public position--Incompatibility of offices doctrine voided.
43.52.300	Powers and duties of an operating agency.
43.52.3411	Revenue bonds or warrants.
43.52.343	Revenue bonds or warrants--Sale by negotiation or advertisement and bid.
43.52.350	Operating agencies to provide fishways, facilities and hatcheries--Contracts.

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- 43.52.360 Operating agency--Formation--Additional projects--Appeals--Membership, withdrawal--Dissolution.
- 43.52.370 Operating agency board of directors--Members, appointment, vote, term, etc.--Rules--Proceedings--Limitation on powers and duties.
- 43.52.374 Operating agency executive board--Members--Terms--Removal--Rules--Proceedings--Managing director--Civil immunities--Defense and indemnification.
- 43.52.375 Treasurer--Auditor--Powers and duties--Official bonds--Funds.
- 43.52.378 Executive board--Appointment of administrative auditor--Retention of firm for performance audits--Duties of auditor and firm--Reports.
- 43.52.380 Member's preference to buy energy--Apportionment--Surplus.
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- 43.52.385 Best interest of ratepayers to determine interest of agency.
- 43.52.391 Powers and duties of operating agency.
- 43.52.395 Maximum interest rate operating agency may pay member.
- 43.52.410 Authority of city or district to contract for electric energy or falling waters.
- 43.52.430 Appeals from director of department of ecology.
- 43.52.440 Effect of chapter on "Columbia River Sanctuary Act."
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- 43.52.460 Operating agency to pay in lieu of taxes.
- 43.52.470 Operating agency--Validity of organization and existence.
- 43.52.515 Application of Titles 9 and 9A RCW.
- 43.52.520 Security force--Authorized.
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- 43.52.535 Security force--Membership in retirement system authorized.
- 43.52.550 Plans for repayment of operating agency obligations maturing prior to planned operation of plant.
- 43.52.560 Contracts for materials or work required--Sealed bids.
- 43.52.565 Contracts for materials or work through competitive negotiation authorized--Selection of contractor.
- 43.52.570 Purchase of materials by telephone or written quotation authorized--Procedure.
- 43.52.575 Purchase of materials without competition authorized.
- 43.52.580 Emergency purchase of materials or work by contract.
- 43.52.585 Procedures for implementing RCW 43.52.560 through 43.52.580.
- 43.52.590 Construction of RCW 43.52.560 through 43.52.585.
- 43.52.612 Contract bid form.
- 43.52.910 Construction--1965 c 8.

RCW 43.52.250 Definitions.

Applicable Cases

As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

"District" means a public utility district as created under the laws of the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"City" means any city or town in the state of Washington authorized to engage in the business of generating and/or distributing electricity.

"Canada" means Canada or any province thereof.

"Operating agency" or "joint operating agency" means a municipal corporation created

pursuant to RCW 43.52.360, as now or hereafter amended.

"Board of directors" means the board established under RCW 43.52.370.

"Executive board" means the board established under RCW 43.52.374.

"Board" means the board of directors of the joint operating agency unless the operating agency is constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW, in which case "board" means the executive board.

"Public utility" means any person, firm or corporation, political subdivision or governmental subdivision including cities, towns and public utility districts engaged in or authorized to engage in the business of generating, transmitting or distributing electric energy.

"Revenue bonds or warrants" means bonds, notes, bond anticipation notes, warrants, certificates of indebtedness, commercial paper, refunding or renewal obligations, payable from a special fund or revenues of the utility properties operated by the joint operating agency.

"Electrical resources" means both electric energy and conservation.

"Electrical energy" means electric energy produced by any means including water power, steam power, nuclear power, and conservation.

"Conservation" means any reduction in electric power consumption as a result of increases in efficiency of energy use, production, or distribution.

[1987 c 376 § 8; 1982 1st ex.s. c 43 § 1; 1981 1st ex.s. c 1 § 1; 1977 ex.s. c 184 § 1; 1965 c 8 § 43.52.250. Prior: 1953 c 281 § 1.]

Notes:

Severability--Savings--1982 1st ex.s. c 43: See notes following RCW 43.52.374.

Severability--1981 1st ex.s. c 1: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 1st ex.s. c 1 § 5.]

RCW 43.52.260 Scope of authority.

Applicable Cases

The authority granted in this chapter shall apply equally to the generating of electricity by water power, by steam power, by nuclear power, conservation, or by any other means whatsoever.

[1987 c 376 § 9; 1977 ex.s. c 184 § 2; 1965 c 8 § 43.52.260. Prior: 1955 c 258 § 18; 1953 c 281 § 20.]

RCW 43.52.272 Power commission abolished.

Applicable Cases

The Washington state power commission is hereby abolished.

[1965 c 8 § 43.52.272. Prior: 1957 c 295 § 8.]

RCW 43.52.290 Members of the board of directors of an operating agency--Compensation--May hold other public position--Incompatibility of offices doctrine voided.

Applicable Cases

Members of the board of directors of an operating agency shall be paid the sum of fifty dollars per day as compensation for each day or major part thereof devoted to the business of the operating agency, together with their traveling and other necessary expenses. Such member may, regardless of any charter or other provision to the contrary, be an officer or employee holding another public position and, if he be such other public officer or employee, he shall be paid by the operating agency such amount as will, together with the compensation for such other public position equal the sum of fifty dollars per day. The common law doctrine of incompatibility of offices is hereby voided as it applies to persons sitting on the board of directors or the executive board of an operating agency and holding an elective or appointive position on a public utility district commission or municipal legislative authority or being an employee of a public utility district or municipality.

[1983 1st ex.s. c 3 § 1; 1982 1st ex.s. c 43 § 5; 1977 ex.s. c 184 § 3; 1965 c 8 § 43.52.290. Prior: 1953 c 281 § 4.]

Notes:

Severability--Savings--1982 1st ex.s. c 43: See notes following RCW 43.52.374.

RCW 43.52.300 Powers and duties of an operating agency.

Applicable Cases

An operating agency formed under RCW 43.52.360 shall have authority:

(1) To generate, produce, transmit, deliver, exchange, purchase or sell electric energy and to enter into contracts for any or all such purposes.

(2) To construct, condemn, purchase, lease, acquire, add to, extend, maintain, improve, operate, develop and regulate plants, works and facilities for the generation and/or transmission of electric energy, either within or without the state of Washington, and to take, condemn, purchase, lease and acquire any real or personal, public or private property, franchise and property rights, including but not limited to state, county and school lands and properties, for any of the purposes herein set forth and for any facilities or works necessary or convenient for use in the construction, maintenance or operation of any such works, plants and facilities; provided that an operating agency shall not be authorized to acquire by condemnation any plants, works and facilities owned and operated by any city or district, or by a privately owned public utility. An operating agency shall be authorized to contract for and to acquire by lease or purchase from the United States or any of its agencies, any plants, works or facilities for the generation and transmission of electricity and any real or personal property necessary or convenient for use in connection therewith.

(3) To negotiate and enter into contracts with the United States or any of its agencies, with any state or its agencies, with Canada or its agencies or with any district or city of this state, for the lease, purchase, construction, extension, betterment, acquisition, operation and maintenance of all or any part of any electric generating and transmission plants and reservoirs, works and facilities or rights necessary thereto, either within or without the state of Washington, and for the marketing of the energy produced therefrom. Such negotiations or contracts shall be carried on and concluded with due regard to the position and laws of the United States in respect

to international agreements.

(4) To negotiate and enter into contracts for the purchase, sale, exchange, transmission or use of electric energy or falling water with any person, firm or corporation, including political subdivisions and agencies of any state of Canada, or of the United States, at fair and nondiscriminating rates.

(5) To apply to the appropriate agencies of the state of Washington, the United States or any thereof, and to Canada and/or to any other proper agency for such permits, licenses or approvals as may be necessary, and to construct, maintain and operate works, plants and facilities in accordance with such licenses or permits, and to obtain, hold and use such licenses and permits in the same manner as any other person or operating unit.

(6) To establish rates for electric energy sold or transmitted by the operating agency. When any revenue bonds or warrants are outstanding the operating agency shall have the power and shall be required to establish and maintain and collect rates or charges for electric energy, falling water and other services sold, furnished or supplied by the operating agency which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal and interest on such bonds or warrants and all payments which the operating agency is obligated to set aside in any special fund or funds created for such purposes, and for the proper operation and maintenance of the public utility owned by the operating agency and all necessary repairs, replacements and renewals thereof.

(7) To act as agent for the purchase and sale at wholesale of electricity for any city or district whenever requested so to do by such city or district.

(8) To contract for and to construct, operate and maintain fishways, fish protective devices and facilities and hatcheries as necessary to preserve or compensate for projects operated by the operating agency.

(9) To construct, operate and maintain channels, locks, canals and other navigational, reclamation, flood control and fisheries facilities as may be necessary or incidental to the construction of any electric generating project, and to enter into agreements and contracts with any person, firm or corporation, including political subdivisions of any state, of Canada or the United States for such construction, operation and maintenance, and for the distribution and payment of the costs thereof.

(10) To employ legal, engineering and other professional services and fix the compensation of a managing director and such other employees as the operating agency may deem necessary to carry on its business, and to delegate to such manager or other employees such authority as the operating agency shall determine. Such manager and employees shall be appointed for an indefinite time and be removable at the will of the operating agency.

(11) To study, analyze and make reports concerning the development, utilization and integration of electric generating facilities and requirements within the state and without the state in that region which affects the electric resources of the state.

(12) To acquire any land bearing coal, uranium, geothermal, or other energy resources, within or without the state, or any rights therein, for the purpose of assuring a long-term, adequate supply of coal, uranium, geothermal, or other energy resources to supply its needs, both

actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale, or disposal of such energy resources that it deems proper.

[1977 ex.s. c 184 § 4; 1975 1st ex.s. c 37 § 1; 1965 c 8 § 43.52.300. Prior: 1955 c 258 § 1; 1953 c 281 § 5.]

RCW 43.52.3411 Revenue bonds or warrants.

Applicable Cases

For the purposes provided for in this chapter, an operating agency shall have power to issue revenue bonds or warrants payable from the revenues of the utility properties operated by it. Whenever the board of a joint operating agency shall deem it advisable to issue bonds or warrants to engage in conservation activities or to construct or acquire any public utility or any works, plants or facilities or any additions or betterments thereto or extensions thereof it shall provide therefor by resolution, which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be. Such cost may include funds for working capital, for payment of expenses incurred in the conservation activities or the acquisition or construction of the utility and for the repayment of advances made to the operating agency by any public utility district or city. Except as otherwise provided in RCW 43.52.343, all the provisions of law as now or hereafter in effect relating to revenue bonds or warrants of public utility districts shall apply to revenue bonds or warrants issued by the joint operating agency including, without limitation, provisions relating to: The creation of special funds and the pledging of revenues thereto; the time and place of payment of such bonds or warrants and the interest rate or rates thereon; the covenants that may be contained therein and the effect thereof; the execution, issuance, sale, funding, or refunding, redemption and registration of such bonds or warrants; and the status thereof as negotiable instruments, as legal securities for deposits of public moneys and as legal investments for trustees and other fiduciaries and for savings and loan associations, banks and insurance companies doing business in this state. However, for revenue bonds or warrants issued by an operating agency, the provisions under RCW 54.24.030 relating to additional or alternate methods for payment may be made a part of the contract with the owners of any revenue bonds or warrants of an operating agency. The board may authorize the managing director or the treasurer of the operating agency to sell revenue bonds or warrants maturing one year or less from the date of issuance, and to fix the interest rate or rates on such revenue bonds or warrants with such restrictions as the board shall prescribe. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in RCW 39.46.030. Such bonds and warrants may also be issued and sold in accordance with chapter 39.46 RCW.

[1987 c 376 § 10; 1983 c 167 § 116; 1981 1st ex.s. c 1 § 2; 1965 c 8 § 43.52.3411. Prior: 1957 c 295 § 6.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

Severability--1981 1st ex.s. c 1: See note following RCW 43.52.250.

RCW 43.52.343 Revenue bonds or warrants--Sale by negotiation or advertisement and bid.

Applicable Cases

All bonds issued by an operating agency shall be sold and delivered in such manner, at such rate or rates of interest and for such price or prices and at such time or times as the board shall deem in the best interests of the operating agency, whether by negotiation or to the highest and best bidder after such advertising for bids as the board of the operating agency may deem proper: PROVIDED, That the board may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it may deem most advantageous to its own interests.

[1981 1st ex.s. c 1 § 3; 1965 c 8 § 43.52.343. Prior: 1957 c 295 § 7; 1955 c 258 § 10.]

Notes:

Severability--1981 1st ex.s. c 1: See note following RCW 43.52.250.

RCW 43.52.350 Operating agencies to provide fishways, facilities and hatcheries--Contracts.

Applicable Cases

An operating agency shall, at the time of the construction of any dam or obstruction, construct and shall thereafter maintain and operate such fishways, fish protective facilities and hatcheries as the director of fish and wildlife finds necessary to permit anadromous fish to pass any dam or other obstruction operated by the operating agency or to replace fisheries damaged or destroyed by such dam or obstruction and an operating agency is further authorized to enter into contracts with the department of fish and wildlife to provide for the construction and/or operation of such fishways, facilities and hatcheries.

[1994 c 264 § 24; 1988 c 36 § 18; 1977 ex.s. c 184 § 5; 1965 c 8 § 43.52.350. Prior: 1953 c 281 § 11.]

RCW 43.52.360 Operating agency--Formation--Additional projects--Appeals--Membership, withdrawal--Dissolution.

Applicable Cases

Any two or more cities or public utility districts or combinations thereof may form an operating agency (herein sometimes called a joint operating agency) for the purpose of acquiring, constructing, operating and owning plants, systems and other facilities and extensions thereof, for the generation and/or transmission of electric energy and power. Each such agency shall be a municipal corporation of the state of Washington with the right to sue and be sued in its own name.

Application for the formation of an operating agency shall be made to the director of the department of ecology (herein sometimes referred to as the director) after the adoption of a resolution by the legislative body of each city or public utility district to be initial members thereof authorizing said city or district to participate. Such application shall set forth (1) the name and address of each participant, together with a certified copy of the resolution authorizing its participation; (2) a general description of the project and the principal project works, including dams, reservoirs, power houses and transmission lines; (3) the general location of the project and, if a hydroelectric project, the name of the stream on which such proposed project is to be located; (4) if the project is for the generation of electricity, the proposed use or market for the power to

be developed; (5) a general statement of the electric loads and resources of each of the participants; (6) a statement of the proposed method of financing the preliminary engineering and other studies and the participation therein by each of the participants.

Within ten days after such application is filed with the director of the department of ecology notice thereof shall be published by the director once a week for four consecutive weeks in a newspaper of general circulation in the county or counties in which such project is to be located, setting forth the names of the participants and the general nature, extent and location of the project. Any public utility wishing to do so may object to such application by filing an objection, setting forth the reasons therefor, with the director of the department of ecology not later than ten days after the date of last publication of such notice.

Within ninety days after the date of last publication the director shall either make findings thereon or have instituted a hearing thereon. In the event the director has neither made findings nor instituted a hearing within ninety days of the date of last publication, or if such hearing is instituted within such time but no findings are made within one hundred and twenty days of the date of such last publication, the application shall be deemed to have been approved and the operating agency established. If it shall appear (a) that the statements set forth in said application are substantially correct; (b) that the contemplated project is such as is adaptable to the needs, both actual and prospective, of the participants and such other public utilities as indicate a good faith intention by contract or by letter of intent to participate in the use of such project; (c) that no objection to the formation of such operating agency has been filed by any other public utility which prior to and at the time of the filing of the application for such operating agency had on file a permit or license from an agency of the state or an agency of the United States, whichever has primary jurisdiction, for the construction of such project; (d) that adequate provision will be made for financing the preliminary engineering, legal and other costs necessary thereto; the director shall make findings to that effect and enter an order creating such operating agency, establishing the name thereof and the specific project for the construction and operation for which such operating agency is formed. Such order shall not be construed to constitute a bar to any other public utility proceeding according to law to procure any required governmental permits, licenses or authority, but such order shall establish the competency of the operating agency to proceed according to law to procure such permits, licenses or authority.

No operating agency shall undertake projects or conservation activities in addition to those for which it was formed without the approval of the legislative bodies of a majority of the members thereof. Prior to undertaking any new project for acquisition of an energy resource, a joint operating agency shall prepare a plan which details a least-cost approach for investment in energy resources. The plan shall include an analysis of the costs of developing conservation compared with costs of developing other energy resources and a strategy for implementation of the plan. The plan shall be presented to the energy and utilities committees of the senate and house of representatives for their review and comment. In the event that an operating agency desires to undertake such a hydroelectric project at a site or sites upon which any publicly or privately owned public utility has a license or permit or has a prior application for a license or permit pending with any commission or agency, state or federal, having jurisdiction thereof,

application to construct such additional project shall be made to the director of the department of ecology in the same manner, subject to the same requirements and with the same notice as required for an initial agency and project and shall not be constructed until an order authorizing the same shall have been made by the director in the manner provided for such original application.

Any party who has joined in filing the application for, or objections against, the creation of such operating agency and/or the construction of an additional project, and who feels aggrieved by any order or finding of the director shall have the right to appeal to the superior court in the manner set forth in RCW 43.52.430.

After the formation of an operating agency, any other city or district may become a member thereof upon application to such agency after the adoption of a resolution of its legislative body authorizing said city or district to participate, and with the consent of the operating agency by the affirmative vote of the majority of its members. Any member may withdraw from an operating agency, and thereupon such member shall forfeit any and all rights or interest which it may have in such operating agency or in any of the assets thereof: PROVIDED, That all contractual obligations incurred while a member shall remain in full force and effect. An operating agency may be dissolved by the unanimous agreement of the members, and the members, after making provisions for the payment of all debts and obligations, shall thereupon hold the assets thereof as tenants in common.

[1998 c 245 § 68; 1987 c 376 § 11; 1977 ex.s. c 184 § 6; 1965 c 8 § 43.52.360. Prior: 1957 c 295 § 1; 1955 c 258 § 3; 1953 c 281 § 12.]

Notes:

Generation of electric energy by steam: RCW 43.21.250 through 43.21.410.

RCW 43.52.370 Operating agency board of directors--Members, appointment, vote, term, etc.--Rules--Proceedings--Limitation on powers and duties.

Applicable Cases

(1) Except as provided in subsection (2) of this section, the management and control of an operating agency shall be vested in a board of directors, herein sometimes referred to as the board. The legislative body of each member of an operating agency shall appoint a representative who may, at the discretion of the member and regardless of any charter or other provision to the contrary, be an officer or employee of the member, to serve on the board of the operating agency. Each representative shall have one vote and shall have, in addition thereto, one vote for each block of electric energy equal to ten percent of the total energy generated by the agency during the preceding year purchased by the member represented by such representative. Each member may appoint an alternative representative to serve in the absence or disability of its representative. Each representative shall serve at the pleasure of the member. The board of an operating agency shall elect from its members a president, vice president and secretary, who shall serve at the pleasure of the board. The president and secretary shall perform the same duties with respect to the operating agency as are provided by law for the president and secretary, respectively, of public utility districts, and such other duties as may be provided by motion, rule

or resolution of the board. The board of an operating agency shall adopt rules for the conduct of its meetings and the carrying out of its business, and adopt an official seal. All proceedings of an operating agency shall be by motion or resolution and shall be recorded in the minute book which shall be a public record. A majority of the board members shall constitute a quorum for the transaction of business. A majority of the votes which the members present are entitled to cast shall be necessary and sufficient to pass any motion or resolution: PROVIDED, That such board members are entitled to cast a majority of the votes of all members of the board. The members of the board of an operating agency may be compensated by such agency as is provided in RCW 43.52.290: PROVIDED, That the compensation to any member shall not exceed five thousand dollars in any year except for board members who are elected to serve on an executive board established under RCW 43.52.374.

(2) If an operating agency is constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW, the powers and duties of the board of directors shall include and are limited to the following:

(a) Final authority on any decision of the operating agency to purchase, acquire, construct, terminate, or decommission any power plants, works, and facilities except that once the board of directors has made a final decision regarding a nuclear power plant, the executive board established under RCW 43.52.374 shall have the authority to make all subsequent decisions regarding the plant and any of its components;

(b) Election of members to, removal from, and establishment of salaries for the elected members of the executive board under RCW 43.52.374(1)(a); and

(c) Selection and appointment of three outside directors as provided in RCW 43.52.374(1)(b).

All other powers and duties of the operating agency, including without limitation authority for all actions subsequent to final decisions by the board of directors, including but not limited to the authority to sell any power plant, works, and facilities are vested in the executive board established under RCW 43.52.374.

[1983 1st ex.s. c 3 § 2; 1982 1st ex.s. c 43 § 2; 1981 1st ex.s. c 3 § 1; 1977 ex.s. c 184 § 7; 1965 c 8 § 43.52.370. Prior: 1957 c 295 § 2; 1953 c 281 § 13.]

Notes:

Severability--Savings--1982 1st ex.s. c 43: See notes following RCW 43.52.374.

RCW 43.52.374 Operating agency executive board--Members--Terms--Removal--Rules--Proceedings--Managing director--Civil immunities--Defense and indemnification.

Applicable Cases

(1) With the exception of the powers and duties of the board of directors described in RCW 43.52.370(2), the management and control of an operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement under chapter 80.50 RCW is vested in an executive board established under this subsection and consisting of eleven members.

(a) Five members of the executive board shall be elected to four-year terms by the board of directors from among the members of the board of directors. The board of directors may provide by rule for the composition of the five members of the executive board elected from among the members of the board of directors so as to reflect the member public utility districts' and cities' participation in the joint operating agency's projects. Members elected to the executive board from the board of directors are ineligible for continued membership on the executive board if they cease to be members of the board of directors. The board of directors may also provide by rule for the removal of a member of the executive board, except for the outside directors. Members of the board of directors may be elected to serve successive terms on the executive board. Members elected to the executive board from the board of directors shall receive a salary from the operating agency at a rate set by the board of directors.

(b) Six members of the executive board shall be outside directors. Three shall be selected and appointed by the board of directors, and three shall be selected and appointed by the governor and confirmed by the senate. All outside directors shall:

(i) Serve four-year terms on the executive board. However, of the initial members of the executive board, the board of directors and the governor shall each appoint one outside director to serve a two-year term, one outside director to serve a three-year term, and one outside director to serve a four-year term. Thereafter, all outside directors shall be appointed for four-year terms. All outside directors are eligible for reappointment;

(ii) Receive travel expenses on the same basis as the five members elected from the board of directors. The outside directors shall also receive a salary from the operating agency as fixed by the governor;

(iii) Not be an officer or employee of, or in any way affiliated with, the Bonneville power administration or any electric utility conducting business in the states of Washington, Oregon, Idaho, or Montana;

(iv) Not be involved in the financial affairs of the operating agency as an underwriter or financial adviser of the operating agency or any of its members or any of the participants in any of the operating agency's plants; and

(v) Be representative of policy makers in business, finance, or science, or have expertise in the construction or management of such facilities as the operating agency is constructing or operating, or have expertise in the termination, disposition, or liquidation of corporate assets.

(c) The governor may remove outside directors from the executive board for incompetency, misconduct, or malfeasance in office in the same manner as state appointive officers under chapter 43.06 RCW. For purposes of this subsection, misconduct shall include, but not be limited to, nonfeasance and misfeasance.

(2) Nothing in this chapter shall be construed to mean that an operating agency is in any manner an agency of the state. Nothing in this chapter alters or destroys the status of an operating agency as a separate municipal corporation or makes the state liable in any way or to any extent for any preexisting or future debt of the operating agency or any present or future claim against the agency.

(3) The eleven members of the executive board shall be selected with the objective of

establishing an executive board which has the resources to effectively carry out its responsibilities. All members of the executive board shall conduct their business in a manner which in their judgment is in the interest of all ratepayers affected by the joint operating agency and its projects.

(4) The executive board shall elect from its members a chairman, vice chairman, and secretary, who shall serve at the pleasure of the executive board. The executive board shall adopt rules for the conduct of its meetings and the carrying out of its business. All proceedings shall be by motion or resolution and shall be recorded in the minute book, which shall be a public record. A majority of the executive board shall constitute a quorum for the transaction of business.

(5) With respect to any operating agency existing on April 20, 1982, to which the provisions of this section are applicable:

(a) The board of directors shall elect five members to the executive board no later than sixty days after April 20, 1982; and

(b) The board of directors and the governor shall select and appoint the initial outside directors and the executive board shall hold its organizational meeting no later than sixty days after April 20, 1982, and the powers and duties prescribed in this chapter shall devolve upon the executive board at that time.

(6) The executive board shall select and employ a managing director of the operating agency and may delegate to the managing director such authority for the management and control of the operating agency as the executive board deems appropriate. The managing director's employment is terminable at the will of the executive board.

(7) Members of the executive board shall be immune from civil liability for mistakes and errors of judgment in the good faith performance of acts within the scope of their official duties involving the exercise of judgment and discretion. This grant of immunity shall not be construed as modifying the liability of the operating agency.

The operating agency shall undertake the defense of and indemnify each executive board member made a party to any civil proceeding including any threatened, pending, or completed action, suit, or proceeding, whether civil, administrative, or investigative, by reason of the fact he or she is or was a member of the executive board, against judgments, penalties, fines, settlements, and reasonable expenses, actually incurred by him or her in connection with such proceeding if he or she had conducted himself or herself in good faith and reasonably believed his or her conduct to be in the best interest of the operating agency.

In addition members of the executive board who are utility employees shall not be fired, forced to resign, or demoted from their utility jobs for decisions they make while carrying out their duties as members of the executive board involving the exercise of judgment and discretion.

[1983 1st ex.s. c 3 § 3; 1982 1st ex.s. c 43 § 3; 1981 1st ex.s. c 3 § 2.]

Notes:

Severability--1982 1st ex.s. c 43: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 43 § 11.]

Savings--1982 1st ex.s. c 43: "(1) All personnel and employees of a board of directors or executive board

or committee displaced by section 3 of this act shall become personnel and employees of the executive board created in section 3 of this act without any loss of rights, subject to any appropriate action thereafter.

(2) All pending business before a board of directors or executive board or committee which is replaced by the executive board created in section 3 of this act shall be continued and acted upon by the new executive board.

(3) This act shall not be construed to alter:

(a) Any existing rights acquired under laws relating to operating agencies;

(b) The status of any actions, activities, or civil or criminal proceedings of any existing operating agencies;

(c) The status of any collective bargaining agreements, indebtedness, contracts, or other obligations;

(d) Any valid resolutions, covenants, or agreements between an operating agency and members, participants in any electric generating facility, privately owned public utilities, or agencies of the federal government; or

(e) Any rules, resolutions, or orders adopted by a board of directors or executive board or committee until canceled or superseded." [1982 1st ex.s. c 43 § 4.] "Section 3 of this act" is the 1982 1st ex.s. c 43 amendment to RCW 43.52.374.

RCW 43.52.375 Treasurer--Auditor--Powers and duties--Official bonds--Funds.

Applicable Cases

The board of each joint operating agency shall by resolution appoint a treasurer. The treasurer shall be the chief financial officer of the operating agency, who shall report at least annually to the board a detailed statement of the financial condition of the operating agency and of its financial operations for the preceding fiscal year. The treasurer shall advise the board on all matters affecting the financial condition of the operating agency. Before entering upon his duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct.

The board shall also appoint an auditor and may require him to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his duties. The auditor shall report directly to the board and be responsible to it for discharging his duties.

The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by him only on warrants issued by the auditor upon orders or vouchers approved by the board: PROVIDED, That the board by resolution may authorize the managing director or any other bonded officer or employee as legally permissible to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business, including expenses incurred by the board of directors, its executive committee, or the executive board in the performance of their duties. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he shall place all money of the joint operating agency as the board by resolution or motion may direct.

[1982 1st ex.s. c 43 § 7; 1981 1st ex.s. c 3 § 3; 1965 c 8 § 43.52.375. Prior: 1957 c 295 § 4.]

Notes:

Severability--Savings--1982 1st ex.s. c 43: See notes following RCW 43.52.374.

RCW 43.52.378 Executive board--Appointment of administrative auditor--Retention of firm for performance audits--Duties of auditor and firm--Reports.

Applicable Cases

The executive board of any operating agency constructing, operating, terminating, or decommissioning a nuclear power plant under a site certification agreement issued pursuant to chapter 80.50 RCW shall appoint an administrative auditor. The administrative auditor shall be deemed an officer under chapter 42.23 RCW. The appointment of the administrative auditor shall be in addition to the appointment of the auditor for the issuance of warrants and other purposes as provided in RCW 43.52.375. The executive board shall retain a qualified firm or firms to conduct performance audits which is in fact independent and does not have any interest, direct or indirect, in any contract with the operating agency other than its employment hereunder. No member or employee of any such firm shall be connected with the operating agency as an officer, employee, or contractor. The administrative auditor and the firm or firms shall be independently and directly responsible to the executive board of the operating agency. The executive board shall require a firm to conduct continuing audits of the methods, procedures and organization used by the operating agency to control costs, schedules, productivity, contract amendments, project design and any other topics deemed desirable by the executive board. The executive board may also require a firm to analyze particular technical aspects of the operating agency's projects and contract amendments. The firm or firms shall provide advice to the executive board in its management and control of the operating agency. At least once each year, the firm or firms shall prepare and furnish a report of its actions and recommendations to the executive board for the purpose of enabling it to attain the highest degree of efficiency in the management and control of any thermal power project under construction or in operation. The administrative auditor shall assist the firm or firms in the performance of its duties. The administrative auditor and the firm or firms shall consult regularly with the executive board and furnish any information or data to the executive board which the administrative auditor, firm, or executive board deems helpful in accomplishing the purpose above stated. The administrative auditor shall perform such other duties as the executive board shall prescribe to accomplish the purposes of this section.

Upon the concurrent request of the chairmen of the senate or house energy and utilities committees, the operating agency shall report to the committees on a quarterly basis.

[1987 c 505 § 84; 1986 c 158 § 13; 1982 1st ex.s. c 43 § 8; 1981 1st ex.s. c 3 § 4; 1979 ex.s. c 220 § 1.]

Notes:

Severability--Savings--1982 1st ex.s. c 43: See notes following RCW 43.52.374.

RCW 43.52.380 Member's preference to buy energy--Apportionment--Surplus.

Applicable Cases

Members shall have a preference right to the purchase of all electric energy generated by an operating agency. As between members, the amount of electric energy to which each shall be entitled shall be computed annually and shall be based on the same percentage as the purchases of such member bore to the total generation of the operating agency for the preceding year. Surplus electric energy, that is energy not contracted for by the members, may be sold to any public utility authorized by law to distribute and sell electric energy.

[1965 c 8 § 43.52.380. Prior: 1953 c 281 § 14.]

RCW 43.52.383 Compliance with open public meetings act.

Applicable Cases

(1) The legislature intends that the business and deliberations of joint operating agencies conducted by their boards of directors, executive boards, committees and subcommittees be conducted openly and with opportunity for public input.

(2) The board of directors, executive board, and all committees or subcommittees thereof shall comply with the provisions of chapter 42.30 RCW, in order to assure adequate public input and awareness of decisions.

[1983 1st ex.s. c 3 § 4.]

RCW 43.52.385 Best interest of ratepayers to determine interest of agency.

Applicable Cases

For the purposes of this chapter, including but not limited to RCW 43.52.343, the best interests of all ratepayers affected by the joint operating agency and its projects shall determine the interest of the operating agency and its board.

[1982 1st ex.s. c 43 § 9.]

Notes:

Severability--Savings--1982 1st ex.s. c 43: See notes following RCW 43.52.374.

RCW 43.52.391 Powers and duties of operating agency.

Applicable Cases

Except as otherwise provided in this section, a joint operating agency shall have all powers now or hereafter granted public utility districts under the laws of this state. It shall not acquire nor operate any electric distribution properties nor condemn any properties owned by a public utility which are operated for the generation and transmission of electric power and energy or are being developed for such purposes with due diligence under a valid license or permit, nor purchase or acquire any operating hydroelectric generating plant owned by any city or district on June 11, 1953, or which may be acquired by any city or district by condemnation on or after January 1, 1957, nor levy taxes, issue general obligation bonds, or create subdistricts. It may enter into any contracts, leases or other undertakings deemed necessary or proper and acquire by purchase or condemnation any real or personal property used or useful for its corporate purposes. Actions in eminent domain may be instituted in the superior court of any county in which any of the property sought to be condemned is located and the court in any such action shall have

jurisdiction to condemn property wherever located within the state; otherwise such actions shall be governed by the same procedure as now or hereafter provided by law for public utility districts. An operating agency may sell steam or water not required by it for the generation of power and may construct or acquire any facilities it deems necessary for that purpose.

An operating agency may make contracts for any term relating to the purchase, sale, interchange or wheeling of power with the government of the United States or any agency thereof and with any municipal corporation or public utility, within or without the state, and may purchase or deliver power anywhere pursuant to any such contract. An operating agency may acquire any coal-bearing lands for the purpose of assuring a long-term, adequate supply of coal to supply its needs, both actual and prospective, for the generation of power and may make such contracts with respect to the extraction, sale or disposal of coal that it deems proper.

Any member of an operating agency may advance or contribute funds to an agency as may be agreed upon by the agency and the member, and the agency shall repay such advances or contributions from proceeds of revenue bonds, from operating revenues or from any other funds of the agency, together with interest not to exceed the maximum specified in RCW 43.52.395(1). The legislative body of any member may authorize and make such advances or contributions to an operating agency to assist in a plan for termination of a project or projects, whether or not such member is a participant in such project or projects. Any member who makes such advances or contributions for terminating a project or projects in which it is not a participant shall not assume any liability for any debts or obligations related to the terminated project or projects on account of such advance or contribution.

[1982 c 1 § 1; 1977 ex.s. c 184 § 8; 1965 c 8 § 43.52.391. Prior: 1957 c 295 § 5.]

Notes:

Severability--1982 c 1: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."
[1982 c 1 § 3.]

Liability to other taxing districts for increased financial burdens: Chapter 54.36 RCW.

RCW 43.52.395 Maximum interest rate operating agency may pay member.

Applicable Cases

(1) The maximum rate at which an operating agency shall add interest in repaying a member under RCW 43.52.391 may not exceed the higher of fifteen percent per annum or four percentage points above the equivalent coupon issue yield (as published by the Board of Governors of the Federal Reserve System) of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the preceding calendar month.

(2) The maximum rate specified in subsection (1) of this section is applicable to all advances and contributions made by each member to the agency prior to January 21, 1982, and to all renewals of such advances and contributions.

[1989 c 14 § 4; 1982 c 1 § 2.]

Notes:

Severability--1982 c 1: See note following RCW 43.52.391.

RCW 43.52.410 Authority of city or district to contract for electric energy or falling waters.

Applicable Cases

Any city or district is authorized to enter into contracts or compacts with any operating agency or a publicly or privately owned public utility for the purchase and sale of electric energy or falling waters: PROVIDED, That no city or district may enter into a contract or compact with an operating agency to purchase electric energy, or to purchase or participate in a portion of an electrical generating project, that commits the city or district to pay an amount in excess of an express dollar amount or in excess of an express rate per unit of electrical energy received.

[1983 c 308 § 1; 1977 ex.s. c 184 § 9; 1965 c 8 § 43.52.410. Prior: 1953 c 281 § 17.]

RCW 43.52.430 Appeals from director of department of ecology.

Applicable Cases

Any party in interest deeming itself aggrieved by any order of the director of the department of ecology may appeal to the superior court of Thurston county by serving upon the director and filing with clerk of said court within thirty days after the entry of the order a notice of appeal. The director shall, within ten days after service of the notice of appeal, file with the clerk of the court a return containing a true copy of the order appealed from, together with a transcript of the record of the proceeding before the director, after which the appeal shall be at issue. The appeal shall be heard and decided by the court upon the record before the director and the court may either affirm, set aside, or remand the order appealed from for further proceedings. Appellate review of the superior court's decision may be sought as in other civil cases.

[1988 c 202 § 44; 1977 ex.s. c 184 § 10; 1971 c 81 § 113; 1965 c 8 § 43.52.430. Prior: 1953 c 281 § 19.]

Notes:

Severability--1988 c 202: See note following RCW 2.24.050.

RCW 43.52.440 Effect of chapter on "Columbia River Sanctuary Act."

Applicable Cases

Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner RCW 75.20.110, commonly known as the "Columbia River Sanctuary Act", and all matter herein contained shall be expressly subject to such act.

[1983 1st ex.s. c 46 § 178; 1965 c 8 § 43.52.440. Prior: 1953 c 281 § 23.]

Notes:

Intent--Savings--Effective date--1983 1st ex.s. c 46: See RCW 75.98.005 through 75.98.007.

RCW 43.52.450 Chapter requirements are cumulative--Preservation of rights--Not subject to utilities and transportation commission.

Applicable Cases

The provisions of this chapter shall be cumulative and shall not impair or supersede the powers or rights of any person, firm or corporation or political subdivision of the state of Washington under any other law. The rights of all persons, firms, corporations and political subdivisions or operating units of any kind under existing contracts, renewals thereof or supplements thereto, with the United States, or any agency thereof, for power, are hereby preserved and such rights shall not be impaired or modified by any of the provisions of this chapter or any of the powers granted by this chapter.

The rates, services and practices of any operating agency in respect to the power generated, transmitted or sold by it shall not be governed by the regulations of the utilities and transportation commission.

[1977 ex.s. c 184 § 11; 1965 c 8 § 43.52.450. Prior: 1953 c 281 § 10.]

RCW 43.52.460 Operating agency to pay in lieu of taxes.

Applicable Cases

Any joint operating agency formed under this chapter shall pay in lieu of taxes payments in the same amounts as paid by public utility districts. Such payments shall be distributed in accordance with the provisions applicable to public utility districts: PROVIDED, HOWEVER, That such tax shall not apply to steam generated electricity produced by a nuclear steam powered electric generating facility constructed or acquired by a joint operating agency and in operation prior to May 17, 1971.

[1971 ex.s. c 75 § 1; 1965 c 8 § 43.52.460. Prior: 1957 c 295 § 10.]

RCW 43.52.470 Operating agency--Validity of organization and existence.

Applicable Cases

Except as provided in RCW 43.52.360, the validity of the organization of any joint operating agency can be questioned only by action instituted within six months from the date that the joint operating agency is created. If the validity of the existence of any joint operating agency is not challenged within that period, by the filing and service of a petition or complaint in the action, the state shall be barred forever from questioning the validity of the joint operating agency by reason of any defect claimed to exist in the organization thereof, and it shall be deemed validly organized for all purposes. Any joint operating agency heretofore (March 26, 1957) attempted to be organized pursuant to chapter 43.52 RCW and which has maintained its existence since the date of such attempted organization, is hereby declared legal and valid and its organization and creation are validated and confirmed.

[1965 c 8 § 43.52.470. Prior: 1957 c 295 § 11.]

RCW 43.52.515 Application of Titles 9 and 9A RCW.

Applicable Cases

All of the provisions of Titles 9 and 9A RCW apply to actions of a joint operating agency.

[1981 c 173 § 6.]

Notes:

Severability--1981 c 173: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 173 § 9.]

RCW 43.52.520 Security force--Authorized.

Applicable Cases

An operating agency constructing or operating a nuclear power plant under a site certificate issued under chapter 80.50 RCW may establish a security force for the protection and security of each nuclear power plant site exclusion area. Members of the security force may be supplied with uniforms and badges indicating their position as security force members if the uniforms and badges do not closely resemble the uniforms or badges of any law enforcement agency or other agency possessing law enforcement powers in the surrounding area of the nuclear power plant exclusion area. Members of the security force shall enroll in and successfully complete a training program approved by the criminal justice training commission which does not conflict with any requirements of the United States nuclear regulatory commission for the training of security personnel at nuclear power plants. All costs incurred by the criminal justice training commission in the preparation, delivery, or certification of the training programs shall be paid by the operating agency.

[1981 c 301 § 1.]

RCW 43.52.525 Security force--Criminal history record information.

Applicable Cases

An operating agency is authorized to obtain criminal history record information pursuant to RCW 10.97.050 for any member of an operating agency security force and for any applicant seeking employment as a member of an operating agency security force.

[1981 c 301 § 2.]

RCW 43.52.530 Security force--Powers and duties--Rules on speed, operation, location of vehicles authorized.

Applicable Cases

(1) Members of an operating agency security force authorized under RCW 43.52.520 may use reasonable force to detain, search, or remove persons who enter or remain without permission within the nuclear power plant site exclusion area or whenever, upon probable cause, it appears to a member of the security force that a person has committed or is attempting to commit a crime. Should any person be detained, the security force shall immediately notify the law enforcement agency, having jurisdiction over the nuclear power plant site, of the detainment. The security force is authorized to detain the person for a reasonable time until custody can be transferred to a law enforcement officer. Members of a security force may use that force necessary in the protection of persons and properties located within the confines of the nuclear

power plant site exclusion area.

(2) An operating agency may adopt and enforce rules controlling the speed, operation, and location of vehicles on property owned or occupied by the operating agency. Such rules shall be conspicuously posted and persons violating the rules may be expelled or detained.

(3) The rights granted in subsection (1) of this section are in addition to any others that may exist by law including, but not limited to, the rights granted in RCW 9A.16.020(4).

[1981 c 301 § 3.]

RCW 43.52.535 Security force--Membership in retirement system authorized.

Applicable Cases

Members of the operating agency security force shall be members of the retirement system under chapter 41.40 RCW.

[1981 c 301 § 4.]

RCW 43.52.550 Plans for repayment of operating agency obligations maturing prior to planned operation of plant.

Applicable Cases

Any municipal corporation, cooperative or mutual which has entered into a contract with an operating agency to participate in the construction or acquisition of an energy plant as defined in chapter 80.50 RCW shall annually adopt a plan for the repayment of its contractual share of any operating agency obligation which matures prior to the planned operation of the plant. The manner of adoption of the plan shall be subject to the laws regarding approval of rates of the municipal corporation, cooperative or mutual.

The plan shall include the effect of the means of repayment on its financial condition, its customers' rates, its other contractual rights and obligations, and any other matter deemed useful by the participant.

Each such participating municipal corporation, cooperative or mutual shall include a statement of the extent of its contractual obligation to any operating agency in an annual financial report.

[1981 1st ex.s. c 1 § 4.]

Notes:

Severability--1981 1st ex.s. c 1: See note following RCW 43.52.250.

RCW 43.52.560 Contracts for materials or work required--Sealed bids.

Applicable Cases

Except as provided otherwise in this chapter, a joint operating agency shall purchase any item or items of materials, equipment, or supplies, the estimated cost of which is in excess of five thousand dollars exclusive of sales tax, or order work for construction of generating projects and associated facilities, the estimated cost of which is in excess of ten thousand dollars exclusive of sales tax, by contract in accordance with RCW 54.04.070 and 54.04.080, which require sealed bids for contracts.

[1998 c 245 § 69; 1987 c 376 § 1.]

RCW 43.52.565 Contracts for materials or work through competitive negotiation authorized--Selection of contractor.

Applicable Cases

(1) An operating agency may enter into contracts through competitive negotiation under subsection (2) of this section for materials, equipment, supplies, or work to be performed during commercial operation of a nuclear generating project and associated facilities (a) to replace a defaulted contract or a contract terminated in whole or in part, or (b) where consideration of factors in addition to price, such as technical knowledge, experience, management, staff, or schedule, is necessary to achieve economical operation of the project, provided that the managing director or a designee determines in writing and the executive board finds that execution of a contract under this section will accomplish project completion or operation more economically than sealed bids.

(2) The selection of a contractor shall be made in accordance with the following procedures:

(a) Proposals shall be solicited through a request for proposals, which shall state the requirements to be met. Responses shall describe the professional competence of the offeror, the technical merits of the offer, and the price.

(b) The request for proposals shall be given adequate public notice in the same manner as for sealed bids.

(c) As provided in the request for proposals, the operating agency shall specify at a preproposal conference the contract requirements in the request for proposal, which may include but are not limited to: Schedule, managerial, and staffing requirements, productivity and production levels, technical expertise, approved project quality assurance procedures, and time and place for submission of proposals. Any inquiries and responses thereto shall be confirmed in writing and shall be sent to all potential offerors.

(d) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be open for public inspection after contract award.

(e) As provided in the request for proposals, invitations shall be sent to all responsible offerors who submit proposals to attend discussions for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Any inquiries and responses thereto shall be confirmed in writing and shall be sent to all offerors. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(f) The operating agency shall execute a contract with the responsible offeror whose proposal is determined in writing to be the most advantageous to the operating agency and the state taking into consideration the requirements set forth in the request for proposals. The

contract file shall contain the basis on which the successful offeror is selected. The operating agency shall conduct a briefing conference on the selection if requested by an offeror.

(g) The contract may be fixed price or cost-reimbursable, in whole or in part, but not cost-plus-percentage-of-cost.

(h) The operating agency shall retain authority and responsibility for inspection, testing, and compliance with applicable regulations or standards of any state or federal governmental agency.

[1998 c 245 § 70; 1994 c 27 § 1; 1987 c 376 § 2.]

RCW 43.52.570 Purchase of materials by telephone or written quotation authorized--Procedure.

Applicable Cases

For the awarding of a contract to purchase any item or items of materials, equipment, or supplies in an amount exceeding five thousand dollars but less than seventy-five thousand dollars, exclusive of sales tax, the managing director or a designee may, in lieu of sealed bids, secure telephone and/or written quotations from at least five vendors, where practical, and award contracts for purchase of materials, equipment, or supplies to the lowest responsible bidder. The agency shall establish a procurement roster, which shall consist of suppliers and manufacturers who may supply materials or equipment to the operating agency, and shall provide for solicitations which will equitably distribute opportunity for bids among suppliers and manufacturers on the roster. Immediately after the award is made, the bid quotations obtained shall be recorded and shall be posted or otherwise made available for public inspection and copying pursuant to chapter 42.17 RCW at the office of the operating agency or any other officially designated location. Waiver of the deposit or bid bond required for sealed bids may be authorized by the operating agency in securing the bid quotations.

[1987 c 376 § 3.]

RCW 43.52.575 Purchase of materials without competition authorized.

Applicable Cases

When the managing director or a designee determines in writing that it is impracticable to secure competition for required materials, equipment, or supplies, he or she may purchase the materials, equipment, or supplies without competition. The term "impracticable to secure competition" means:

(1) When material, equipment, or supplies can be obtained from only one person or firm (single source of supply); or

(2) When specially designed parts or components are being procured as replacement parts in support of equipment specially designed by the manufacturer.

[1987 c 376 § 4.]

RCW 43.52.580 Emergency purchase of materials or work by contract.

Applicable Cases

When the managing director or a designee determines in writing that an emergency endangers the public safety or threatens property damage or that serious financial injury would result if materials, supplies, equipment, or work are not obtained by a certain time, and they cannot be contracted for by that time by means of sealed bids, the managing director or a designee may purchase materials, equipment, or supplies or may order work by contract in any amount necessary, after having taken precautions to secure a responsive proposal at the lowest price practicable under the circumstances.

For the purposes of this section the term "serious financial injury" means that the costs attributable to the delay caused by contracting by sealed bids exceed the cost of materials, supplies, equipment, or work to be obtained.

[1987 c 376 § 5.]

RCW 43.52.585 Procedures for implementing RCW 43.52.560 through 43.52.580.

Applicable Cases

The executive board shall establish procedures for implementing RCW 43.52.560 through 43.52.580 by operating agency resolution after notice, public hearing, and opportunity for public comment. The procedures shall be established within six months after July 26, 1987.

[1987 c 376 § 6.]

RCW 43.52.590 Construction of RCW 43.52.560 through 43.52.585.

Applicable Cases

Nothing in RCW 43.52.560 through 43.52.585 requires reapplication by a joint operating agency in existence on July 26, 1987.

[1987 c 376 § 7.]

RCW 43.52.612 Contract bid form.

Applicable Cases

A joint operating agency shall require that bids upon any construction or improvement of any nuclear generating project and associated facilities shall be made upon the contract bid form supplied by the operating agency, and in no other manner. The operating agency may, before furnishing any person, firm, or corporation desiring to bid upon any work with a contract bid form, require from the person, firm, or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of the person, firm, or corporation in performing work. The questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgement of deeds and shall be submitted once a year or at such other times as the operating agency may require. Whenever the operating agency is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement or whenever the operating agency determines that the person, firm, or corporation does not meet all of the requirements set forth in this section, it may refuse to furnish the person, firm, or corporation with a contract bid form and any bid of the person, firm, or corporation must be disregarded. The operating agency shall

require that a person, firm, or corporation have all of the following requirements in order to obtain a contract form:

- (1) Adequate financial resources, the ability to secure these resources, or the capability to secure a one hundred percent payment and performance bond;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

The refusal shall be conclusive unless appealed to the superior court of the county where the operating agency is situated or Thurston county within fifteen days, which appeal shall be heard summarily within ten days after the appeal is made and on five days' notice thereof to the operating agency.

The prevailing party in such litigation shall be awarded its attorney fees and costs.

The operating agency shall not be required to make available for public inspection or copying under chapter 42.17 RCW financial information provided under this section.

[1982 1st ex.s. c 44 § 5.]

Notes:

Severability--1982 1st ex.s. c 44: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 44 § 10.]

RCW 43.52.910 Construction--1965 c 8.

Applicable Cases

This chapter shall be liberally construed to effectuate its purposes.

[1965 c 8 § 43.52.910. Prior: 1957 c 295 § 12.]

**Chapter 43.52A RCW
ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL--STATE'S
MEMBERS**

RCW

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|------------|--|
| 43.52A.010 | State agreement to participate in Pacific Northwest Electric Power and Conservation Planning Council. |
| 43.52A.020 | Definitions. |
| 43.52A.030 | Appointment of members. |
| 43.52A.040 | Terms of members--Vacancies--Residence of members. |
| 43.52A.050 | Sufficient time on council activities required--Technical assistance--Reimbursement--Liaison--Report--Compensation--Travel expenses. |

RCW 43.52A.010 State agreement to participate in Pacific Northwest Electric Power and Conservation Planning Council.

Applicable Cases

The state of Washington agrees to participate in the Pacific Northwest Electric Power and Conservation Planning Council pursuant to the Pacific Northwest Electric Power Planning and Conservation Act.

[1981 c 14 § 1.]

RCW 43.52A.020 Definitions.

Applicable Cases

As used in this chapter:

(1) The term "the act" means the Pacific Northwest Electric Power Planning and Conservation Act.

(2) The term "council" means the Pacific Northwest Electric Power and Conservation Planning Council.

[1981 c 14 § 2.]

RCW 43.52A.030 Appointment of members.

Applicable Cases

The governor, with the consent of the senate, shall appoint two residents of Washington state to the council pursuant to the act. These persons shall undertake the functions and duties of members of the council as specified in the act and in appropriate state law. Upon appointment by the governor to the council, the nominee shall make available to the senate such disclosure information as is requested for the confirmation process, including that required in RCW 42.17.241.

[1984 c 34 § 8; 1981 c 14 § 3.]

RCW 43.52A.040 Terms of members--Vacancies--Residence of members.

Applicable Cases

(1) Unless removed at the governor's pleasure, council members shall serve a term ending January 15 of the third year following appointment except that, with respect to members initially appointed, the governor shall designate one member to serve a term ending January 15 of the second year following appointment. Initial appointments to the council shall be made within thirty days of March 9, 1981.

(2) Each member shall serve until a successor is appointed, but if a successor is not appointed within sixty days of the beginning of a new term, the member shall be considered reappointed, subject to the consent of the senate.

(3) A vacancy on the council shall be filled for the unexpired term by the governor, with the consent of the senate.

(4) For the first available appointment and at all times thereafter, one member of

Washington's delegation to the council shall reside east of the crest of the Cascade Mountains and one member shall reside west of the crest of the Cascade Mountains.

[1984 c 223 § 1; 1981 c 14 § 4.]

RCW 43.52A.050 Sufficient time on council activities required--Technical assistance--Reimbursement--Liaison--Report--Compensation--Travel expenses.

Applicable Cases

(1) Council members shall spend sufficient time on council activities to fully represent the state of Washington in carrying out the purposes of the act.

(2) State agencies shall provide technical assistance to council members upon request. The council members shall request that the council request the administrator of the Bonneville Power Administration to reimburse the state for the expenses associated with such assistance as provided in the act.

(3) The members of the council shall maintain liaison with the governor or his designees and the committees on energy and utilities, or their successor entities, of the senate and house of representatives.

(4) The members of the council shall submit to the governor and legislature an annual report describing the activities and plans of the council.

(5) Each member of the council shall receive compensation to be determined by the governor and applicable federal law and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, as now or hereafter amended.

[1981 c 14 § 5.]

**Chapter 43.56 RCW
UNIFORM LEGISLATION COMMISSION**

RCW	
43.56.010	Appointment of commissioners.
43.56.020	Duties of commission.
43.56.040	Travel expenses of members.

RCW 43.56.010 Appointment of commissioners.

Applicable Cases

The governor shall appoint three suitable persons as a board of commissioners for the promotion of uniformity of legislation in the United States. Any vacancy on the board shall be filled by appointment by the governor.

[1965 c 8 § 43.56.010. Prior: 1905 c 59 § 1; RRS § 8204.]

RCW 43.56.020 Duties of commission.

Applicable Cases

The board shall examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which

uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States.

It shall confer upon these matters with the commissioners appointed by other states for the same purpose and consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally devise and recommend such other and further course of action as shall accomplish such uniformity.

[1965 c 8 § 43.56.020. Prior: 1905 c 59 § 2; RRS § 8205.]

RCW 43.56.040 Travel expenses of members.

Applicable Cases

No member of the board shall receive any compensation for his services, but each member shall be paid travel expenses incurred in the discharge of official duty in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, after the account thereof has been audited by the board.

The board shall keep a full account of its expenditures and shall report it in each report. There shall be allowed such expenses for only one annual meeting of the board within this state, and for the members in attendance, not oftener than once in each year, at any conference of commissioners outside of this state.

[1975-'76 2nd ex.s. c 34 § 118; 1965 c 8 § 43.56.040. Prior: 1955 c 91 § 1; 1905 c 59 § 4; RRS § 8207.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Chapter 43.58 RCW WASHINGTON-OREGON BOUNDARY COMMISSION

RCW

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| 43.58.050 | Oregon-Washington Columbia River boundary compact--Ratification. |
| 43.58.060 | Oregon-Washington Columbia River boundary compact--Terms and provisions. |
| 43.58.070 | Oregon-Washington Columbia River boundary compact--Transfer of records, etc., to division of archives. |
| 43.58.090 | Oregon-Washington Columbia River boundary compact--Repeal of RCW 43.58.010 through 43.58.040, when. |

RCW 43.58.050 Oregon-Washington Columbia River boundary compact--Ratification.

Applicable Cases

The interstate compact determining the Oregon-Washington boundary on the Columbia River which was executed on the 21st day of December, 1956 by the Oregon commission on interstate cooperation for the state of Oregon and the Washington-Oregon boundary commission for the state of Washington is hereby ratified and approved.

[1965 c 8 § 43.58.050. Prior: 1957 c 90 § 1.]

Notes:

Reviser's note: The effective date of RCW 43.58.050 was March 13, 1957. State Constitution, Amendment 33, recognizing the modification of the state's boundaries through appropriate compact procedure, was approved by the voters on November 4th, 1958, and the governor's proclamation relating thereto was issued on December 4th, 1958.

The Oregon legislature has ratified the compact, see Oregon Revised Statutes §§ 186.510 and 186.520, effective April 4, 1957. See also, Article XVI of the Oregon Constitution relating to state boundaries which was adopted by the people November 4, 1958, effective December 3, 1958.

Congressional ratification is contained in Public Law 85-575, dated July 31, 1958.

RCW 43.58.060 Oregon-Washington Columbia River boundary compact--Terms and provisions.

Applicable Cases

The terms and provisions of the compact referred to in RCW 43.58.050 are as follows:

INTERSTATE COMPACT DETERMINING OREGON-WASHINGTON BOUNDARY ON THE COLUMBIA RIVER

ARTICLE I. PURPOSE

The boundary between the states of Oregon and Washington along the course of the Columbia River has not been easy to ascertain because of changes in the main channel of the river with a result that a state of confusion and dispute exists and the enforcement and administration of the laws of the two states has been rendered difficult.

The purpose of this compact is to fix with precision by reference to stations of longitude and latitude the boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the most easterly point at which the 46th parallel of North latitude crosses said river, at which point the river ceases to form the boundary between the two states.

ARTICLE II. DESCRIPTION

The boundary between the states of Oregon and Washington from one marine league due west of the mouth of the Columbia River to the point at which the last described point number (# 191) of the boundary as herein determined meets the 46th parallel of North latitude at 118° 59'10".12 of West longitude shall be as follows:

Beginning one marine league at sea off the mouth of the Columbia river at north latitude 46° 15'00".00; running thence due east to point number 1 of this description, which point is at north latitude 46° 15'00".00, west longitude 124° 05'00".00; thence from point number 1 continuing upstream in the channel of the Columbia river by a series of straight lines connecting the following numbered and described points in consecutive order.

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continuing upstream in the channel of the Columbia river by a series of straight lines connecting the following numbered and described points in consecutive order.

Point Number	North Latitude	West Longitude	Description of Location
1	46°15'00".00	124°05'00".00	
2	46°15'51".00	124°02'02".75	
3	46°16'17".00	124°01'45".80	
4	46°16'59".50	124°02'14".40	
5	46°17'28".00	124°02'07".00	
6	46°17'33".25	124°01'12".25	
7	46°16'41".50	124°00'00".00	
8	46°16'03".00	123°58'11".80	
9	46°14'19".80	123°55'42".00	
10	46°14'06".00	123°52'14".50	
11	46°16'09".50	123°44'20".50	
12	46°15'01".00	123°41'12".70	
13	46°15'33".30	123°38'52".80	
14	46°15'23".90	123°35'05".00	
15	46°15'38".00	123°32'23".00	
16	46°16'14".60	123°30'00".00	
17	46°15'46".70	123°27'51".40	
18	46°14'23".50	123°25'51".60	
19	46°13'10".50	123°25'20".50	
20	46°11'29".00	123°25'43".60	
21	46°10'47".80	123°25'38".00	
22	46°09'01".00	123°23'21".50	
23	46°08'33".00	123°18'45".60	
24	46°09'04".50	123°15'47".20	
25	46°10'00".00	123°13'51".20	
26	46°11'20".80	123°09'55".50	
27	46°11'11".30	123°07'10".90	
28	46°09'40".00	123°04'23".50	
29	46°09'24".00	123°03'22".40	
30	46°08'38".40	123°02'00".00	
31	46°08'06".00	123°00'16".00	
32	46°06'20".02	122°57'44".28	
33	46°06'17".36	122°57'38".295	a point on the center line of the Longview Bridge at center of main span
34	46°06'14".71	122°57'32".31	
35	46°05'02".70	122°54'11".00	
36	46°03'37".50	122°52'59".50	
37	46°01'53".50	122°52'35".50	
38	46°00'52".25	122°51'17".20	
39	45°58'52".00	122°50'11".80	
40	45°57'40".00	122°48'46".80	
41	45°55'57".00	122°48'18".00	

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Point Number	North Latitude	West Longitude	Description of Location
42	45°54'47".00	122°48'36".75	
43	45°53'05".00	122°47'48".30	
44	45°52'06".00	122°47'01".50	
45	45°50'40".00	122°47'04".50	
46	45°49'31".20	122°47'41".00	
47	45°48'37".00	122°47'40".00	
48	45°46'51".00	122°46'06".30	
49	45°45'34".20	122°45'37".00	
50	45°44'04".70	122°45'32".00	
51	45°42'05".00	122°46'16".00	
52	45°40'50".80	122°46'24".00	
53	45°39'26".75	122°45'46".00	
54	45°38'40".00	122°44'13".00	
55	45°38'17".00	122°42'47".50	
56	45°37'35".37	122°41'35".14	
57	45°37'29".47	122°41'23".855	a point on the center line of Northern Pacific Railroad Bridge across Columbia River, which point is at center of 3rd pier south of the draw span
58	45°37'26".52	122°41'18".215	
59	45°37'07".85	122°40'33".42	
60	45°37'05".938	122°40'26".939	a point on the center line of the west highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge
61	45°37'05".62	122°40'25".86	a point on the center line of the east highway bridge crossing the Columbia River between Portland, Ore. and Vancouver, Wash., said point being 12.0 ft. south from the center of pier No. 6 of said bridge
62	45°37'03".71	122°40'19".38	
63	45°36'34".00	122°38'27".00	
64	45°36'29".80	122°36'21".30	
65	45°36'20".00	122°35'20".00	
66	45°35'47".90	122°32'48".00	
67	45°35'23".50	122°31'24".20	
68	45°35'01".00	122°29'30".00	
69	45°34'42".80	122°28'20".50	
70	45°34'03".00	122°27'09".30	
71	45°33'49".00	122°26'15".80	

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Point Number	North Latitude	West Longitude	Description of Location
72	45°34'03".30	122°24'36".50	
73	45°34'29".50	122°23'25".80	
74	45°34'33".40	122°22'44".00	
75	45°34'10".00	122°21'04".00	
76	45°32'55".20	122°19'49".00	
77	45°32'38".00	122°17'43".70	
78	45°32'38".80	122°15'56".70	
79	45°33'03".25	122°14'24".50	
80	45°33'55".00	122°11'58".50	
81	45°34'37".00	122°10'54".00	
82	45°35'03".00	122°08'25".50	
83	45°34'53".40	122°06'40".00	
84	45°35'00".00	122°06'02".00	
85	45°36'35".00	122°02'35".00	
86	45°36'53".80	122°01'11".50	
87	45°36'58".00	122°00'08".50	
88	45°37'23".00	121°58'54".50	
89	45°37'59".00	121°57'42".80	
90	45°38'37".50	121°57'16".50	
91	45°38'42".00	121°57'01".80	
92	45°38'40".35	121°56'37".34	
93	45°38'40".13	121°56'22".57	a point at the intersection of the axis of Bonneville Dam and the center line of center pier of the spillway of said dam
94	45°38'39".82	121°56'01".46	
95	45°39'17".00	121°54'25".00	
96	45°39'43".85	121°53'58".48	a point on center line of bridge at Cascade Locks, known as "The Bridge of the Gods" and in the center of the main span of said bridge
97	45°39'44".81	121°53'58".16	
98	45°39'45".77	121°53'57".84	
99	45°40'15".00	121°54'02".00	
100	45°41'36".80	121°51'57".00	
101	45°42'24".75	121°48'36".00	
102	45°41'39".00	121°44'02".00	
103	45°41'42".00	121°42'22".00	
104	45°42'19".00	121°40'02".00	
105	45°42'17".50	121°37'48".50	
106	45°43'36".00	121°31'54".30	
107	45°43'15".275	121°29'52".445	
108	45°43'07".02	121°29'36".615	a point on the center line of the Hood River Bridge at the center of the draw span of said bridge

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Point Number	North Latitude	West Longitude	Description of Location
109	45°43'04".075	121°29'30".96	
110	45°42'05".20	121°27'41".80	
111	45°41'39".25	121°25'22".00	
112	45°41'35".00	121°24'02".00	
113	45°42'11".50	121°22'17".00	
114	45°42'18".00	121°20'11".50	
115	45°42'00".00	121°18'40".00	
116	45°41'13".30	121°17'10".00	
117	45°40'40".50	121°14'52".00	
118	45°40'17".00	121°12'52".50	
119	45°39'00".00	121°11'57".00	
120	45°37'47".00	121°11'38".40	
121	45°37'00".25	121°11'43".00	
122	45°36'23".80	121°10'57".00	
123	45°36'22".50	121°10'00".00	
124	45°36'29".175	121°08'39".84	
125	45°36'40".89	121°08'22".135	a point on the center line of the Dallas Bridge across the Columbia River at the center of the main span of said bridge
126	45°36'43".94	121°08'17".53	
127	45°36'35".69	121°07'50".34	
128	45°36'58".44	121°07'16".41	
129	45°37'06".095	121°06'57".58	
130	45°37'14".85	121°07'02".75	a point on the axis of the Dalles Dam at Station 48+79 of the center line survey of said dam
131	45°37'23".97	121°07'08".14	
132	45°38'53".13	121°05'01".25	
133	45°39'09".54	121°03'47".80	
134	45°39'04".04	121°01'57".51	
135	45°39'12".08	121°00'22".28	
136	45°38'54".66	120°58'56".33	
137	45°38'55".91	120°58'49".52	a point on the center line of the Oregon Trunk Railroad Bridge and in the center of the 4th pier from the north end of said bridge
138	45°38'58".405	120°58'35".90	
139	45°39'24".84	120°57'06".97	
140	45°39'23".58	120°56'34".22	
141	45°38'24".54	120°54'44".75	
142	45°38'35".09	120°53'40".72	
143	45°40'18".79	120°51'15".26	
144	45°41'11".69	120°47'14".64	
145	45°42'19".71	120°43'38".83	
146	45°42'42".58	120°42'10".70	

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Point Number	North Latitude	West Longitude	Description of Location
147	45°42'57".18	120°41'18".11	
148	45°43'48".14	120°40'05".19	
149	45°44'45".12	120°38'01".97	
150	45°44'47".00	120°37'17".91	
151	45°44'47".99	120°35'23".91	
152	45°44'18".49	120°33'29".23	
153	45°42'37".59	120°31'17".65	
154	45°42'00".37	120°30'16".48	
155	45°41'40".42	120°28'53".22	
156	45°41'58".55	120°24'08".96	
157	45°42'41".66	120°19'30".62	
158	45°43'16".74	120°16'56".18	
159	45°43'33".84	120°12'34".62	
160	45°45'43".67	120°10'10".01	
161	45°46'24".09	120°08'25".17	
162	45°47'07".10	120°04'08".70	
163	45°48'26".17	120°00'49".27	
164	45°49'28".29	119°57'52".64	
165	45°49'41".97	119°54'21".95	
166	45°50'25".18	119°50'53".51	
167	45°50'52".00	119°48'05".62	
168	45°50'45".15	119°46'18".16	
169	45°51'25".40	119°40'07".80	
170	45°54'20".70	119°37'20".96	
171	45°55'10".82	119°35'58".28	
172	45°55'32".25	119°34'13".67	
173	45°54'31".37	119°31'24".18	
174	45°54'23".43	119°29'13".01	
175	45°55'03".10	119°26'57".35	
176	45°55'18".10	119°21'48".12	
177	45°55'51".37	119°19'52".71	
178	45°55'54".48	119°19'39".28	a point on the center line of the Umatilla Bridge at the center of the north main span of said bridge
179	45°55'59".59	119°19'17".20	
180	45°56'10".26	119°17'47".60	a point on the axis of McNary Dam at the north face of the south nonoverflow section
181	45°56'15".24	119°17'05".76	
182	45°56'24".05	119°15'21".40	
183	45°55'58".60	119°13'28".22	
184	45°55'40".97	119°11'39".82	
185	45°55'40".26	119°10'05".04	
186	45°55'58".55	119°07'30".72	
187	45°56'34".25	119°05'32".00	

Point Number	North Latitude	West Longitude	Description of Location
188	45°57'31".28	119°03'37".36	
189	45°58'09".33	119°01'33".95	
190	45°58'45".73	119°00'27".12	
191	46°00'00".00	118°59'10".12	

ARTICLE III. RATIFICATION ANDEFFECTIVE DATE

This compact shall become operative when it has been ratified by the legislatures of the states of Oregon and Washington and approved by the Congress of the United States and the Constitutions of the states of Oregon and Washington have been amended to authorize the establishment of the boundary as herein provided.

[1965 c 8 § 43.58.060. Prior: 1957 c 90 § 2.]

RCW 43.58.070 Oregon-Washington Columbia River boundary compact--Transfer of records, etc., to division of archives.

Applicable Cases

Upon ratification by the state of Oregon and approval by the Congress of the United States of the compact set forth in RCW 43.58.060, the secretary of the Washington-Oregon boundary commission is hereby directed to transmit all records, work sheets, maps, minutes and other papers of said commission to the division of archives and records management of the office of the secretary of state.

[1981 c 115 § 3; 1965 c 8 § 43.58.070. Prior: 1957 c 90 § 3.]

Notes:

Effective date--1981 c 115: See note following RCW 40.14.020.

RCW 43.58.090 Oregon-Washington Columbia River boundary compact--Repeal of RCW 43.58.010 through 43.58.040, when.

Applicable Cases

Chapter 27, Laws of 1937, as amended by chapter 6, Laws of 1955 extraordinary session and chapter 43.58 RCW [RCW 43.58.010 through 43.58.040] each shall be repealed when the compact set forth in RCW 43.58.060 has been ratified by the state of Oregon and approved by the Congress of the United States.

[1965 c 8 § 43.58.090. Prior: 1957 c 90 § 5.]

Notes:

Reviser's note: See note following RCW 43.58.050.

Chapter 43.59 RCW

TRAFFIC SAFETY COMMISSION

RCW

43.59.010	Purpose--Finding.
43.59.020	Governor responsible for administration of traffic safety program--Acceptance and disbursal of federal funds.
43.59.030	Members of commission--Appointment--Vacancies--Governor's designee to act during governor's absence.
43.59.040	Powers and duties of commission.
43.59.050	Meetings--Travel expenses of members.
43.59.060	Director of commission--Appointment--Salary.
43.59.070	Director's duties--Staff--Rules and regulations.
43.59.080	Governor's duties as chairman.
43.59.140	Driving while under the influence of intoxicating liquor or any drug--Information and education.
43.59.150	Bicycle and pedestrian safety--Committee and account <i>(as amended by 1999 c 351)</i> .
43.59.150	Bicycle and pedestrian safety--Committee and account <i>(as amended by 1999 c 372)</i> .

RCW 43.59.010 Purpose--Finding.

Applicable Cases

(1) The purpose of this chapter is to establish a new agency of state government to be known as the Washington traffic safety commission. The functions and purpose of this commission shall be to find solutions to the problems that have been created as a result of the tremendous increase of motor vehicles on our highways and the attendant traffic death and accident tolls; to plan and supervise programs for the prevention of accidents on streets and highways including but not limited to educational campaigns designed to reduce traffic accidents in cooperation with all official and unofficial organizations interested in traffic safety; to coordinate the activities at the state and local level in the development of state-wide and local traffic safety programs; to promote a uniform enforcement of traffic safety laws and establish standards for investigation and reporting of traffic accidents; to promote and improve driver education; and to authorize the governor to perform all functions required to be performed by him under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731).

(2) The legislature finds and declares that bicycling and walking are becoming increasingly popular in Washington as clean and efficient modes of transportation, as recreational activities, and as organized sports. Future plans for the state's transportation system will require increased access and safety for bicycles and pedestrians on our common roadways, and federal transportation legislation and funding programs have created strong incentives to implement these changes quickly. As a result, many more people are likely to take up bicycling in Washington both as a leisure activity and as a convenient, inexpensive form of transportation. Bicyclists are more vulnerable to injury and accident than motorists, and should be as knowledgeable as possible about traffic laws, be highly visible and predictable when riding in traffic, and be encouraged to wear bicycle safety helmets. Hundreds of bicyclists and pedestrians are seriously injured every year in accidents, and millions of dollars are spent on health care costs associated with these accidents. There is clear evidence that organized training in the rules and techniques of safe and effective cycling can significantly reduce the incidence of serious injury

and accidents, increase cooperation among road users, and significantly increase the incidence of bicycle helmet use, particularly among minors. A reduction in accidents benefits the entire community. Therefore it is appropriate for businesses and community organizations to provide donations to bicycle and pedestrian safety training programs.

[1998 c 165 § 2; 1967 ex.s. c 147 § 1.]

Notes:

Short title--1998 c 165: "This act may be known and cited as the Cooper Jones Act." [1998 c 165 § 1.]
Driver education courses: Chapter 28A.220 RCW.
Drivers' training schools: Chapter 46.82 RCW.

RCW 43.59.020 Governor responsible for administration of traffic safety program--Acceptance and disbursal of federal funds.

Applicable Cases

The governor shall be responsible for the administration of the traffic safety program of the state and shall be the official of the state having ultimate responsibility for dealing with the federal government with respect to all programs and activities of the state and local governments pursuant to the Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731). The governor is authorized and empowered to accept and disburse federal grants or other funds or donations from any source for the purpose of improving traffic safety programs in the state of Washington, and is hereby empowered to contract and to do all other things necessary in behalf of this state to secure the full benefits available to this state under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731) and in so doing, to cooperate with federal and state agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto.

[1967 ex.s. c 147 § 2.]

RCW 43.59.030 Members of commission--Appointment--Vacancies--Governor's designee to act during governor's absence.

Applicable Cases

The governor shall be assisted in his duties and responsibilities by the Washington state traffic safety commission. The Washington traffic safety commission shall be composed of the governor as chairman, the superintendent of public instruction, the director of licensing, the secretary of transportation, the chief of the state patrol, the secretary of health, the secretary of social and health services, a representative of the association of Washington cities to be appointed by the governor, a member of the association of counties to be appointed by the governor, and a representative of the judiciary to be appointed by the governor. Appointments to any vacancies among appointee members shall be as in the case of original appointment.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the commission. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the

designation.

The governor may designate a member to preside during the governor's absence.

[1991 c 3 § 298; 1982 c 30 § 1; 1979 c 158 § 105; 1971 ex.s. c 85 § 7; 1969 ex.s. c 105 § 1; 1967 ex.s. c 147 § 3.]

RCW 43.59.040 Powers and duties of commission.

Applicable Cases

In addition to other responsibilities set forth in this chapter the commission shall:

(1) Advise and confer with the governing authority of any political subdivision of the state deemed eligible under the federal Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731) for participation in the aims and programs and purposes of that act;

(2) Advise and confer with all agencies of state government whose programs and activities are within the scope of the Highway Safety Act including those agencies that are not subject to direct supervision, administration, and control by the governor under existing laws;

(3) Succeed to and be vested with all powers, duties, and jurisdictions previously vested in the Washington state safety council;

(4) Carry out such other responsibilities as may be consistent with this chapter.

[1983 1st ex.s. c 14 § 1; 1967 ex.s. c 147 § 4.]

RCW 43.59.050 Meetings--Travel expenses of members.

Applicable Cases

The commission shall meet at least quarterly and shall have such special meetings as may be required. Members of the commission shall receive no additional compensation for their services except that which shall be allowed as travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1975-'76 2nd ex.s. c 34 § 120; 1967 ex.s. c 147 § 6.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.59.060 Director of commission--Appointment--Salary.

Applicable Cases

The governor as chairman of the commission shall appoint a person to be director of the Washington traffic safety commission which director shall be paid such salary as shall be deemed reasonable and shall serve at the pleasure of the governor.

[1967 ex.s. c 147 § 7.]

RCW 43.59.070 Director's duties--Staff--Rules and regulations.

Applicable Cases

The director shall be secretary of the commission and shall be responsible for carrying into effect the commission's orders and rules and regulations promulgated by the commission. The director shall also be authorized to employ such staff as is necessary pursuant to the provisions of chapter 41.06 RCW. The commission shall adopt such rules and regulations as

shall be necessary to carry into effect the purposes of this chapter.

[1967 ex.s. c 147 § 8.]

RCW 43.59.080 Governor's duties as chairman.

Applicable Cases

The governor as chairman of said commission shall have the authority to appoint advisory committees as he may deem advisable to aid, advise and assist the commission in carrying out the purposes of this chapter. All actions and decisions, however, shall be made by the commission.

[1967 ex.s. c 147 § 9.]

RCW 43.59.140 Driving while under the influence of intoxicating liquor or any drug--Information and education.

Applicable Cases

The Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the extent of the problems caused by drinking drivers, the need for public involvement in their solution, and the penalties of existing and new laws against driving while under the influence of intoxicating liquor or any drug.

[1991 c 290 § 4; 1983 c 165 § 42.]

Notes:

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 43.59.150 Bicycle and pedestrian safety--Committee and account (*as amended by 1999 c 351*).

Applicable Cases

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. The traffic safety commission shall periodically report and make recommendations to the legislative transportation committee ~~((and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory))~~ on the progress of the bicycle and pedestrian safety committee.

(2) The bicycle and pedestrian safety account is created in the state treasury to support bicycle and pedestrian education or safety programs. ~~((To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.))~~

[1999 c 351 § 1; 1998 c 165 § 3.]

RCW 43.59.150 Bicycle and pedestrian safety--Committee and account (as amended by 1999 c 372).

Applicable Cases

(1) The Washington state traffic safety commission shall establish a program for improving bicycle and pedestrian safety, and shall cooperate with the stakeholders and independent representatives to form an advisory committee to develop programs and create public private partnerships which promote bicycle and pedestrian safety. ~~((The traffic safety commission shall report and make recommendations to the legislative transportation committee and the fiscal committees of the house of representatives and the senate by December 1, 1998, regarding the conclusions of the advisory committee.))~~

(2) The bicycle and pedestrian safety account is created in the state treasury. To the extent that private contributions are received by the traffic safety commission for the purposes of bicycle and pedestrian safety programs established under this section, the appropriations from the highway safety account for this purpose shall lapse.

[1999 c 372 § 9; 1998 c 165 § 3.]

Notes:

Reviser's note: RCW 43.59.150 was amended twice during the 1999 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Short title--1998 c 165: See note following RCW 43.59.010.

**Chapter 43.60A RCW
DEPARTMENT OF VETERANS AFFAIRS**

RCW

43.60A.010	Definitions.
43.60A.020	Department created--Transfer of powers, duties, and functions to department.
43.60A.030	Director--Qualifications--Salary--Vacancy.
43.60A.040	General powers and duties of director.
43.60A.050	Assistants--Executive staff--Deputy.
43.60A.060	Delegation of powers and duties.
43.60A.070	Additional powers and duties of director.
43.60A.075	Powers as to state soldiers' home and Washington veterans' home.
43.60A.080	Veterans affairs advisory committee--Created--Membership--Terms--Powers and duties.
43.60A.100	Counseling services--War-affected veterans.
43.60A.110	Counseling--Coordination of programs.
43.60A.120	Counseling--Priority.
43.60A.130	Counseling--Posttraumatic stress disorder and combat stress program.
43.60A.900	Transfer of personnel of department of social and health services engaged in veterans' services--Rights preserved.
43.60A.901	Transfer of property, records, funds, assets of agencies whose functions are transferred to

	department.
43.60A.902	Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department to be continued--Savings.
43.60A.903	Certification when apportionments of budgeted funds required because of transfers.
43.60A.904	Federal programs--Rules and regulations--Internal reorganization to meet federal requirements--Construction to comply with federal law--Conflicting parts inoperative.
43.60A.905	Savings--1975-'76 2nd ex.s. c 115.
43.60A.906	Collective bargaining units or agreements not altered.
43.60A.907	Liberal construction--1975-'76 2nd ex.s. c 115.
43.60A.908	Severability--1975-'76 2nd ex.s. c 115.

Notes:

Veterans and veterans' affairs: Title 73 RCW.

RCW 43.60A.010 Definitions.

Applicable Cases

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs;
- (2) "Director" means the director of the department of veterans affairs;
- (3) "Committee" means the veterans affairs advisory committee.

[1975-'76 2nd ex.s. c 115 § 1.]

RCW 43.60A.020 Department created--Transfer of powers, duties, and functions to department.

Applicable Cases

There is hereby created a department of state government to be known as the department of veterans affairs. All powers, duties, and functions now or through action of this legislature vested by law in the department of social and health services relating to veterans and veteran affairs are transferred to the department, except those powers, duties, and functions which are expressly directed elsewhere by law. Powers, duties, and functions to be transferred shall include, but not be limited to, all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs. Also transferred to the department shall be the powers, duties, and functions of the bonus division of the treasurer's office: PROVIDED, That such transfer shall not occur until the bonus division completes its current duties of accepting and processing bonus claims arising from the Vietnam conflict. This section shall not be construed to continue the powers, duties and functions of said bonus division beyond a time when such powers, duties or functions would otherwise cease.

[1975-'76 2nd ex.s. c 115 § 2.]

RCW 43.60A.030 Director--Qualifications--Salary--Vacancy.

Applicable Cases

The executive head and appointing authority of the department shall be the director of veterans affairs. The director shall be an honorably discharged or retired veteran of the armed forces of the United States and shall be appointed by the governor with the consent of the senate and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when the governor shall present the nomination for the office to that body.

[1975-'76 2nd ex.s. c 115 § 3.]

RCW 43.60A.040 General powers and duties of director.

Applicable Cases

The director of the department of veterans affairs shall have the power and it shall be the director's duty:

- (1) To conduct, control, and supervise the department;
- (2) To appoint and employ and to determine the powers and duties together with the salaries and other expenses of such clerical and other personnel, subject to the provisions of chapter 41.06 RCW, as are necessary to carry out the duties of the department; and
- (3) To perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this chapter.

[1975-'76 2nd ex.s. c 115 § 4.]

RCW 43.60A.050 Assistants--Executive staff--Deputy.

Applicable Cases

The director may appoint such assistants and executive staff as shall be needed to administer the department, all of whom shall be veterans. The director shall designate a deputy from the executive staff who shall have charge and general supervision of the department in the absence or disability of the director, and in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor shall appoint an acting director.

[1975-'76 2nd ex.s. c 115 § 5.]

Notes:

Certain personnel of department exempted from state civil service law: RCW 41.06.077.

RCW 43.60A.060 Delegation of powers and duties.

Applicable Cases

The director may delegate any power or duty vested in or transferred to the director by law or executive order to a deputy director or to any other assistant or subordinate, but the

director shall be responsible for the official acts of the officers and employees of the department.

[1975-'76 2nd ex.s. c 115 § 6.]

RCW 43.60A.070 Additional powers and duties of director.

Applicable Cases

In addition to other powers and duties, the director is authorized:

(1) To cooperate with officers and agencies of the United States in all matters affecting veterans affairs;

(2) To accept grants, donations, and gifts on behalf of this state for veterans affairs from any person, corporation, government, or governmental agency, made for the benefit of a former member of the armed forces of this or any other country;

(3) To be custodian of all the records and files of the selective service system in Washington that may be turned over to this state by the United States or any department, bureau, or agency thereof; and to adopt and promulgate such rules and regulations as may be necessary for the preservation of such records and the proper use thereof in keeping with their confidential nature;

(4) To act without bond as conservator of the estate of a beneficiary of the veterans administration when the director determines no other suitable person will so act;

(5) To extend on behalf of the state of Washington such assistance as the director shall determine to be reasonably required to any veteran and to the dependents of any such veteran;

(6) To adopt rules pursuant to chapter 34.05 RCW, the Administrative Procedure Act, with respect to all matters of administration to carry into effect the purposes of this section. Such proposed rules shall be submitted by the department at the time of filing notice with the code reviser as required by RCW 34.05.320 to the respective legislative committees of the senate and of the house of representatives dealing with the subject of veteran affairs legislation through the offices of the secretary of the senate and chief clerk of the house of representatives.

[1989 c 175 § 108; 1975-'76 2nd ex.s. c 115 § 8.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.60A.075 Powers as to state soldiers' home and Washington veterans' home.

Applicable Cases

The director of the department of veterans affairs shall have full power to manage and govern the state soldiers' home and colony and the Washington veterans' home.

[1977 c 31 § 5.]

RCW 43.60A.080 Veterans affairs advisory committee--Created--Membership--Terms--Powers and duties.

Applicable Cases

(1) There is hereby created a veterans affairs advisory committee which shall serve in an advisory capacity to the governor and the director of the department of veterans affairs. The

committee shall be composed of seventeen members to be appointed by the governor, and shall consist of the following:

(a) One representative of the Washington soldiers' home and colony at Orting and one representative of the Washington veterans' home at Retsil. Each home's resident council may nominate up to three individuals whose names are to be forwarded by the director to the governor. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(b) One representative each from the three congressionally chartered or nationally recognized veterans service organizations as listed in the current "Directory of Veterans Service Organizations" published by the United States department of veterans affairs with the largest number of active members in the state of Washington as determined by the director. The organizations' state commanders may each submit a list of three names to be forwarded to the governor by the director. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(c) Ten members shall be chosen to represent those congressionally chartered or nationally recognized veterans service organizations listed in the directory under (b) of this subsection and having at least one active chapter within the state of Washington. Up to three nominations may be forwarded from each organization to the governor by the director. In making the appointments, the governor shall consider these recommendations or request additional nominations.

(d) Two members shall be veterans at large. Any individual or organization may nominate a veteran for an at-large position. Organizational affiliation shall not be a prerequisite for nomination or appointment. All nominations for the at-large positions shall be forwarded by the director to the governor.

(e) No organization shall have more than one official representative on the committee at any one time.

(f) In making appointments to the committee, care shall be taken to ensure that members represent all geographical portions of the state and minority viewpoints, and that the issues and views of concern to women veterans are represented.

(2) All members shall have terms of four years. In the case of a vacancy, appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member may serve more than two consecutive terms, with vacancy appointments to an unexpired term not considered as a term. Members appointed before June 11, 1992, shall continue to serve until the expiration of their current terms; and then, subject to the conditions contained in this section, are eligible for reappointment.

(3) The committee shall adopt an order of business for conducting its meetings.

(4) The committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the governor and the director on matters pertaining to the department of veterans affairs;

(b) To acquaint themselves fully with the operations of the department and recommend such changes to the governor and the director as they deem advisable.

(5) Members of the committee shall receive no compensation for the performance of their duties but shall receive a per diem allowance and mileage expense according to the provisions of chapter 43.03 RCW.

[1995 c 25 § 1; 1992 c 35 § 1; 1987 c 59 § 1; 1985 c 63 § 1; 1983 c 34 § 1; 1977 ex.s. c 285 § 1; 1975-'76 2nd ex.s. c 115 § 14.]

RCW 43.60A.100 Counseling services--War-affected veterans.

Applicable Cases

The department of veterans affairs, to the extent funds are made available, shall: (1) Contract with professional counseling specialists to provide a range of direct treatment services to war-affected state veterans and to those national guard and reservists who served in the Middle East, and their family members; (2) provide additional treatment services to Washington state Vietnam veterans for post traumatic stress disorder, particularly for those veterans whose post traumatic stress disorder has intensified or initially emerged due to the war in the Middle East; (3) provide an educational program designed to train primary care professionals, such as mental health professionals, about the effects of war-related stress and trauma; (4) provide informational and counseling services for the purpose of establishing and fostering peer-support networks throughout the state for families of deployed members of the reserves and the Washington national guard; (5) provide for veterans' families, a referral network of community mental health providers who are skilled in treating deployment stress, combat stress, and post traumatic stress.

[1991 c 55 § 1.]

RCW 43.60A.110 Counseling--Coordination of programs.

Applicable Cases

The department shall coordinate the programs contained in RCW 43.60A.100 with the services offered by the department of social and health services, local mental health organizations, and the federal department of veterans affairs to minimize duplication.

[1991 c 55 § 2.]

RCW 43.60A.120 Counseling--Priority.

Applicable Cases

The department of veterans affairs shall give priority in its counseling and instructional programs to treating state veterans located in rural areas of the state, especially those who are members of traditionally underserved minority groups, and women veterans.

[1991 c 55 § 3.]

RCW 43.60A.130 Counseling--Posttraumatic stress disorder and combat stress program.

Applicable Cases

The department of veterans affairs shall design its posttraumatic stress disorder and combat stress programs and related activities to provide veterans with as much privacy and confidentiality as possible and yet consistent with sound program management.

[1991 c 55 § 4.]

RCW 43.60A.900 Transfer of personnel of department of social and health services engaged in veterans' services--Rights preserved.

Applicable Cases

All employees and personnel of the department of social and health services directly engaged in services to veterans shall, on June 25, 1976, be transferred to the jurisdiction of the department of veterans affairs. All employees classified under chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing the state civil service law.

[1975-'76 2nd ex.s. c 115 § 9.]

RCW 43.60A.901 Transfer of property, records, funds, assets of agencies whose functions are transferred to department.

Applicable Cases

All reports, documents, surveys, books, records, files, papers, or other writings in the possession of all departments and agencies of state government concerned with veterans services, and pertaining to the functions affected by this chapter, shall be delivered to the custody of the department of veterans affairs. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed in carrying out the powers and duties transferred by this chapter shall be made available to the department. All funds, credits, or other assets held in connection with the functions transferred by this chapter shall be assigned to the department.

Any appropriations made to the department of social and health services or other departments or agencies affected by this chapter for the purpose of carrying out the powers and duties transferred by this chapter, shall on June 25, 1976, be transferred and credited to the department of veterans affairs for the purpose of carrying out such transferred powers and duties.

Whenever any question arises as to the transfer of any funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred under this chapter, the director of financial management or successor thereto shall make a determination as to the proper allocation and certify the same to the state departments and agencies concerned.

[1979 c 151 § 125; 1975-'76 2nd ex.s. c 115 § 10.]

RCW 43.60A.902 Rules and regulations, pending business, contracts, of agencies whose functions are transferred to department to be continued--Savings.

Applicable Cases

All rules and regulations, and all pending business before the departments and agencies or divisions thereof affected by this chapter pertaining to matters transferred by this chapter, as of June 25, 1976, shall be continued and acted upon by the department. All existing contracts and

obligations pertaining to the functions transferred by this chapter shall remain in full force and effect, and shall be performed by the department. Neither the transfer of any department or agency, or division thereof, nor any transfer of powers, duties, and functions, shall affect the validity of any act performed by such department or agency or division thereof or any officer or employee thereof prior to June 25, 1976.

[1975-'76 2nd ex.s. c 115 § 11.]

RCW 43.60A.903 Certification when apportionments of budgeted funds required because of transfers.

Applicable Cases

If apportionments of budgeted funds are required because of the transfers authorized by this chapter, the director of financial management shall certify such apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with such certification.

[1979 c 151 § 126; 1975-'76 2nd ex.s. c 115 § 12.]

RCW 43.60A.904 Federal programs--Rules and regulations--Internal reorganization to meet federal requirements--Construction to comply with federal law--Conflicting parts inoperative.

Applicable Cases

In furtherance of the policy of the state to cooperate with the federal government in all of the programs included in this chapter, such rules and regulations as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements which are a necessary condition to state receipt of federal funds. Any section or provision of this chapter which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any part of this chapter is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict.

[1975-'76 2nd ex.s. c 115 § 13.]

RCW 43.60A.905 Savings--1975-'76 2nd ex.s. c 115.

Applicable Cases

Nothing in this chapter shall be construed to affect any existing rights acquired under RCW 43.17.010, 43.17.020, 43.61.030, 43.61.040, or 43.61.070, as now or hereafter amended, except as to the governmental agencies referred to and their officials and employees, nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor any rule, regulation, or order promulgated

thereunder, nor any administrative action taken thereunder; and neither the abolition of any agency or division thereof nor any transfer of powers, duties, and functions as provided herein, shall affect the validity of any act performed by such agency or division thereof or any officer thereof prior to June 25, 1976.

[1983 c 3 § 112; 1975-'76 2nd ex.s. c 115 § 15.]

RCW 43.60A.906 Collective bargaining units or agreements not altered.

Applicable Cases

Nothing contained in this chapter shall be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the Washington personnel resources board as provided by law.

[1993 c 281 § 52; 1975-'76 2nd ex.s. c 115 § 16.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

RCW 43.60A.907 Liberal construction--1975-'76 2nd ex.s. c 115.

Applicable Cases

The rule of strict construction shall have no application to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the director the maximum possible freedom in carrying the provisions of this chapter into effect.

[1975-'76 2nd ex.s. c 115 § 17.]

RCW 43.60A.908 Severability--1975-'76 2nd ex.s. c 115.

Applicable Cases

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

[1975-'76 2nd ex.s. c 115 § 25.]

**Chapter 43.61 RCW
VETERANS' REHABILITATION COUNCIL**

RCW

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| 43.61.030 | Contracts with veterans' organizations to provide veterans services--Use of funds. |
| 43.61.040 | Director of veterans affairs to make rules and regulations--Veteran services--Annual report. |
| 43.61.060 | Donations may be accepted--Procedure for allotment and use. |
| 43.61.070 | Payments to veterans' organizations--Approval by director of veterans affairs. |

Notes:

Department of veterans affairs: Chapter 43.60A RCW.

RCW 43.61.030 Contracts with veterans' organizations to provide veterans services--Use of funds.

Applicable Cases

The director of veterans affairs is empowered to contract with any veterans' organizations, now or hereafter chartered by act of congress to provide veterans services. All sums paid to veterans' organizations under contract shall be used by the organizations as specified in the contract in the maintenance of a rehabilitation service and to assist veterans in the prosecution of their claims and the solution of their problems arising out of military service. Such service and assistance shall be rendered all veterans and their dependents and also all beneficiaries of any military claim, and shall include but not be limited to those services now rendered by the service departments of the respective member organizations.

[1983 c 260 § 1; 1975-'76 2nd ex.s. c 115 § 21; 1971 ex.s. c 189 § 5; 1970 ex.s. c 18 § 33; 1965 c 8 § 43.61.030. Prior: 1947 c 110 § 6; RRS § 10758-105.]

Notes:

Savings--Construction--Severability--1975-'76 2nd ex.s. c 115: See RCW 43.60A.905, 43.60A.907, 43.60A.908.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 43.61.040 Director of veterans affairs to make rules and regulations--Veteran services--Annual report.

Applicable Cases

The director of veterans affairs shall make such rules and regulations as may be necessary to carry out the purposes of this chapter. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and services not provided by some other agency of the state or by the federal government. The director shall submit a report of the departments' activities hereunder each year to the governor.

[1977 c 75 § 60; 1975-'76 2nd ex.s. c 115 § 22; 1971 ex.s. c 189 § 6; 1970 ex.s. c 18 § 34; 1965 c 8 § 43.61.040. Prior: 1947 c 110 § 3; RRS § 10758-102.]

Notes:

Savings--Construction--Severability--1975-'76 2nd ex.s. c 115: See RCW 43.60A.905, 43.60A.907, 43.60A.908.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 43.61.060 Donations may be accepted--Procedure for allotment and use.

Applicable Cases

The department of veterans affairs may receive gifts, donations, and grants from any person or agency and all such gifts, donations, and grants shall be placed in the general fund and may be allotted and used in accordance with the donors' instructions as an unanticipated receipt

pursuant to RCW 43.79.270 through 43.79.282 as now existing or hereafter amended.

[1979 ex.s. c 59 § 1; 1971 ex.s. c 189 § 7; 1965 c 8 § 43.61.060. Prior: 1947 c 110 § 5; RRS § 10758-104.]

RCW 43.61.070 Payments to veterans' organizations--Approval by director of veterans affairs.

Applicable Cases

Payments to any veterans' organization shall first be approved by the director of veterans affairs and insofar as possible shall be made on an equitable basis for work done.

[1975-'76 2nd ex.s. c 115 § 24; 1970 ex.s. c 18 § 36; 1965 c 8 § 43.61.070. Prior: 1947 c 110 § 7; RRS § 10758-106.]

Notes:

Savings--Construction--Severability--1975-'76 2nd ex.s. c 115: See RCW 43.60A.905, 43.60A.907, 43.60A.908.

Effective date--Severability--1970 ex.s. c 18: See notes following RCW 43.20A.010.

**Chapter 43.62 RCW
DETERMINATION OF POPULATIONS--STUDENT ENROLLMENTS**

RCW

- 43.62.010 Office of financial management--Population studies--Expenditures.
- 43.62.020 Method of allocating state funds to cities and towns prescribed.
- 43.62.030 Determination of population--Cities and towns--Certificate--Allocation of state funds.
- 43.62.035 Determining population--Projections.
- 43.62.040 Assistance to office of financial management--Determination by office of financial management conclusive.
- 43.62.050 Student enrollment forecasts--Report.

RCW 43.62.010 Office of financial management--Population studies--Expenditures.

Applicable Cases

If the state or any of its political subdivisions, or other agencies, use the population studies services of the office of financial management or the successor thereto, the state, its political subdivision, or other agencies utilizing such services shall pay for the cost of rendering such services. Expenditures shall be paid out of funds allocated to cities and towns under RCW 82.44.155 and shall be paid from said fund before any allocations or payments are made to cities and towns under RCW 82.44.155.

[1990 c 42 § 317; 1979 c 151 § 127; 1975-'76 2nd ex.s. c 34 § 121; 1965 c 8 § 43.62.010. Prior: 1957 c 175 § 1; 1951 c 96 § 1; 1947 c 51 § 2; RRS § 5508-11.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.62.020 Method of allocating state funds to cities and towns prescribed.

Applicable Cases

Whenever cities and towns of the state are, by law, allocated and entitled to be paid any funds or state moneys from any source, and the allocation and payment is required to be made on a populations basis, notwithstanding the provisions of any other law to the contrary, all such allocations shall be made on the basis of the population of the respective cities and towns as last determined by the office of financial management: PROVIDED, That the regular federal decennial census figures released for cities and towns shall be considered by the office of financial management in determining the population of cities and towns.

[1979 c 151 § 128; 1965 c 8 § 43.62.020. Prior: 1957 c 175 § 2; prior: (i) 1949 c 60 § 1; RRS § 5508-3. (ii) 1947 c 51 § 1; RRS § 5508-10.]

RCW 43.62.030 Determination of population--Cities and towns--Certificate--Allocation of state funds.

Applicable Cases

The office of financial management shall annually as of April 1st, determine the populations of all cities and towns of the state; and on or before July 1st of each year, shall file with the secretary of state a certificate showing its determination as to the populations of cities and towns of the state. A copy of such certificate shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and on and after January 1st next following the date when such certificate or certificates are filed, the population determination shown in such certificate or certificates shall be used as the basis for the allocation and payment of state funds, to cities and towns until the next January 1st following the filing of successive certificates by the agency: PROVIDED, That whenever territory is annexed to a city or town, the population of the annexed territory shall be added to the population of the annexing city or town upon the effective date of the annexation as specified in the relevant ordinance, and upon approval of the agency as provided in RCW 35.13.260, as now or hereafter amended, a revised certificate reflecting the determination of the population as increased from such annexation shall be forwarded by the agency to each state official or department responsible for making allocations or payments, and upon and after the date of the commencement of the next quarterly period, the population determination indicated in such revised certificate shall be used as the basis for allocation and payment of state funds to such city or town until the next annual population determination becomes effective: PROVIDED FURTHER, That whenever any city or town becomes incorporated subsequent to the determination of such population, the populations of such cities and towns as shown in the records of incorporation filed with the secretary of state shall be used in determining the amount of allocation and payments, and the agency shall so notify the proper state officials or departments, and such cities and towns shall be entitled to participate in allocations thereafter made: PROVIDED FURTHER, That in case any incorporated city or town disincorporates subsequent to the filing of such certificate or certificates, the agency shall promptly notify the proper state officials or departments thereof, and such cities and towns shall cease to participate in allocations thereafter made, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities

and towns. The secretary of state shall promptly notify the agency of the incorporation of each new city and town and of the disincorporation of any cities or towns.

For the purposes of this section, each quarterly period shall commence on the first day of the months of January, April, July, and October. Whenever a revised certificate due to an annexation is forwarded by the agency thirty days or less prior to the commencement of the next quarterly period, the population of the annexed territory shall not be considered until the commencement of the following quarterly period.

Armed forces shipboard population, on-base naval group quarter population, and military dependents living in housing under United States navy jurisdiction, shall be determined quarterly by the office of financial management on the first days of January, April, July, and October. These counts shall be used to increase or decrease the armed forces component of the resident population determinations in the cities of Bremerton and Everett for the purpose of allocating state revenues according to this section. Counts on the first day of the quarterly periods commencing with January, April, July, and October shall be used to adjust the total population for the following quarter, in the same manner adjustments are made for population changes due to annexation as specified in RCW 35.13.260 and 35A.14.700.

Population determinations made under this section shall include only those persons who meet resident population criteria as defined by the federal bureau of the census.

[1988 c 260 § 1; 1979 c 151 § 129; 1977 c 75 § 61; 1969 ex.s. c 50 § 2; 1965 c 8 § 43.62.030. Prior: 1957 c 175 § 3; 1951 c 96 § 2.]

Notes:

Determination of population of area annexed to city: RCW 35.13.260.

RCW 43.62.035 Determining population--Projections.

Applicable Cases

The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every five years or upon the availability of decennial census data, whichever is later, the office of financial management shall prepare twenty-year growth management planning population projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties and the cities in those counties before final adoption. The county and its cities may provide to the office such information as they deem relevant to the office's projection, and the office shall consider and comment on such information before adoption. Each projection shall be expressed as a reasonable range developed within the standard state high and low projection. The middle range shall represent the office's estimate of the most likely population projection for the county. If any city or county believes that a projection will not accurately reflect actual population growth in a county, it may petition the office to revise the

projection accordingly. The office shall complete the first set of ranges for every county by December 31, 1995.

A comprehensive plan adopted or amended before December 31, 1995, shall not be considered to be in noncompliance with the twenty-year growth management planning population projection if the projection used in the comprehensive plan is in compliance with the range later adopted under this section.

[1997 c 429 § 26; 1995 c 162 § 1; 1991 sp.s. c 32 § 30; 1990 1st ex.s. c 17 § 32.]

Notes:

Severability--1997 c 429: See note following RCW 36.70A.3201.

Effective date--1995 c 162: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 27, 1995]." [1995 c 162 § 2.]

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.62.040 Assistance to office of financial management--Determination by office of financial management conclusive.

Applicable Cases

The department of revenue or any other state officer or officials of cities, towns, or counties shall upon request of the office of financial management furnish such information, aid, and assistance as may be required by the office of financial management in the performance of its population studies. The action of the office of financial management in determining the population shall be final and conclusive.

[1979 c 151 § 130; 1975 1st ex.s. c 278 § 25; 1965 c 8 § 43.62.040. Prior: 1957 c 175 § 4; 1951 c 96 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.62.050 Student enrollment forecasts--Report.

Applicable Cases

The office of financial management shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges, and universities. A current report of such forecasts shall be submitted to the standing committees on ways and means of the house and the senate on or before the fifteenth day of November of each even-numbered year.

[1979 c 151 § 131; 1977 c 75 § 62; 1975 1st ex.s. c 293 § 2; 1965 c 8 § 43.62.050. Prior: 1959 c 171 § 1; 1957 c 229 § 1.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

Review of reported FTE students: RCW 28A.150.260.

Chapter 43.63A RCW
DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

(Formerly Department of community development)

- 43.63A.021 Definitions.
- 43.63A.066 Child abuse and neglect prevention training for participants in head start or early childhood education assistance programs--Department's duties.
- 43.63A.067 Early childhood assistance programs, department's duties.
- 43.63A.075 Community development finance program.
- 43.63A.105 Considerations in designating local community action and community service agencies.
- 43.63A.115 Community action agency network--Delivery system for federal and state anti-poverty programs.
- 43.63A.125 Nonresidential social services facilities--Assistance to nonprofit organizations--Competitive process--Recommendations to legislature for funding.
- 43.63A.150 State census board abolished.
- 43.63A.155 Local government bond information--Publication--Rules.
- 43.63A.190 Distribution of funds for border areas.
- 43.63A.215 Accessory apartments--Development and placement--Local governments.
- 43.63A.230 Employee ownership program--Advisory panel--Reports--When employee stock ownership plans qualify.
- 43.63A.240 Senior environmental corps--Finding.
- 43.63A.245 Senior environmental corps--Definitions.
- 43.63A.247 Senior environmental corps--Created.
- 43.63A.249 Senior environmental corps--Goals.
- 43.63A.265 Senior environmental corps--Department duties--Volunteers may not displace currently employed workers.
- 43.63A.270 Senior environmental corps--Volunteer activity to be governed by agreement.
- 43.63A.275 Retired senior volunteer programs (RSVP)--Funds distribution.
- 43.63A.400 Grants to public broadcast stations.
- 43.63A.410 Grants to broadcast stations eligible for grants from corporation for public broadcasting--Formula--Annual financial statements.
- 43.63A.420 Grants to other broadcast stations--Eligibility--Amounts.
- 43.63A.440 Assistance to communities adversely impacted by reductions in timber harvests and reductions in salmon fishing.
- 43.63A.460 Manufactured housing--Department duties.
- 43.63A.465 Manufactured housing--Federal standards--Enforcement.
- 43.63A.465.1 Manufactured housing--Contingent expiration date--RCW 43.63A.465.
- 43.63A.470 Manufactured housing--Inspections, investigations.
- 43.63A.475 Manufactured housing--Rules.
- 43.63A.480 Manufactured housing--Hearing procedures.
- 43.63A.485 Manufactured housing--Violations--Fines.
- 43.63A.490 Manufactured housing--Contingent expiration date.
- 43.63A.500 Farmworker housing construction manuals and plans.
- 43.63A.505 Agricultural employee housing--One-stop clearinghouse.
- 43.63A.510 Affordable housing--Inventory of state-owned land.
- 43.63A.550 Growth management--Inventorying and collecting data.
- 43.63A.600 Emergency mortgage and rental assistance program--Rural natural resources impact areas--Grants and loans--Goals.
- 43.63A.610 Emergency mortgage assistance--Guidelines.

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43.63A.620	Emergency rental assistance--Guidelines.
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43.63A.740	Prostitution prevention and intervention account.
43.63A.750	Performing arts, art museums, cultural facilities--Competitive grant program for nonprofit organizations.
43.63A.900	Severability--1967 c 74.
43.63A.901	Severability--1984 c 125.
43.63A.902	Headings--1984 c 125.
43.63A.903	Effective date--1984 c 125.

Notes:

Annexations to cities or towns, annexation certificate submitted to the department of community, trade, and economic development: RCW 35.13.260.

Center for volunteerism and citizen service within department of community, trade, and economic development: RCW 43.150.040.

Community and technical college board to assist in enrollment projections: RCW 28B.50.090.

Industrial projects of state-wide significance--Appointment of ombudsmen: RCW 43.157.030.

Local governmental organizations, actions affecting boundaries, etc., review by boundary review board: Chapter 36.93 RCW.

Occupational forecast--Agency consultation: RCW 50.38.030.

Scenic and recreational highway act, planning and design standards established by department of community, trade, and economic development: RCW 47.39.040.

RCW 43.63A.021 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed

and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(2) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(3) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(4) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

[1997 c 367 § 5; 1995 c 226 § 11.]

Notes:

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

RCW 43.63A.066 Child abuse and neglect prevention training for participants in head start or early childhood education assistance programs--Department's duties.

Applicable Cases

The department of community, trade, and economic development shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under RCW 28A.215.010 through 28A.215.200 and 28A.215.900 through 28A.215.908.

[1993 c 280 § 58; 1990 c 33 § 579; 1987 c 489 § 4.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Intent--1987 c 489: See note following RCW 28A.300.150.

RCW 43.63A.067 Early childhood assistance programs, department's duties.

Applicable Cases

See chapter 28A.215 RCW.

RCW 43.63A.075 Community development finance program.

Applicable Cases

The department shall establish a community development finance program. Pursuant to this program, the department shall, in cooperation with the local economic development council: (1) Develop expertise in federal, state, and local community and economic development programs; and (2) assist communities and businesses to secure available financing. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to June 30, 1984.

[1999 c 108 § 1; 1993 c 280 § 59; 1985 c 466 § 53; 1984 c 125 § 6.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.63A.105 Considerations in designating local community action and community service agencies.

Applicable Cases

In designating local community action agencies or local community service agencies, the department shall give special consideration to (1) agencies previously funded under any community services or antipoverty program; (2) agencies meeting state and federal program and fiscal requirements; and (3) successors to such agencies.

[1984 c 125 § 10.]

RCW 43.63A.115 Community action agency network--Delivery system for federal and state anti-poverty programs.

Applicable Cases

(1) The community action agency network, established initially under the federal economic opportunity act of 1964 and subsequently under the federal community services block grant program of 1981, as amended, shall be a delivery system for federal and state anti-poverty programs in this state, including but not limited to the community services block grant program, the low-income energy assistance program, and the federal department of energy weatherization program.

(2) Local community action agencies comprise the community action agency network.

The community action agency network shall serve low-income persons in the counties. Each community action agency and its service area shall be designated in the state federal community service block grant plan as prepared by the department of community, trade, and economic development.

(3) Funds for anti-poverty programs may be distributed to the community action agencies by the department of community, trade, and economic development and other state agencies in consultation with the authorized representatives of community action agency networks.

[1993 c 280 § 60; 1990 c 156 § 1.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.63A.125 Nonresidential social services facilities--Assistance to nonprofit organizations--Competitive process--Recommendations to legislature for funding. (Expires June 30, 2007.)

Applicable Cases

(1) *The department shall establish a competitive process to solicit proposals for and prioritize projects that assist nonprofit organizations in acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential social services.*

(2) *The department shall establish a competitive process to prioritize applications for the assistance as follows:*

(a) *The department shall conduct a state-wide solicitation of project applications from local governments, nonprofit organizations, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. At a minimum, applicants must demonstrate that the requested assistance will increase the efficiency or quality of the social services it provides to citizens. The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.*

(b) *The department shall submit a prioritized list of recommended projects to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. For the 1999-2001 biennium, the department shall conduct a solicitation and ranking process, as described in (a) of this subsection, for projects to be funded by appropriations provided for this program in the 1999-2001 capital budget. The list shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars. Except for the 1999-2001 biennium, the department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a*

specific list of projects.

(c) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

[1999 c 295 § 3; 1997 c 374 § 2.]

Notes:

Expiration date--1999 c 295: See note following RCW 43.63A.750.

Findings--1997 c 374: "The legislature finds that nonprofit organizations provide a variety of social services that serve the needs of the citizens of Washington, including many services implemented under contract with state agencies. The legislature also finds that the efficiency and quality of these services may be enhanced by the provision of safe, reliable, and sound facilities, and that, in certain cases, it may be appropriate for the state to assist in the development of these facilities." [1997 c 374 § 1.]

RCW 43.63A.150 State census board abolished.

Applicable Cases

The state census board is hereby abolished.

[1967 ex.s. c 42 § 3.]

Notes:

Effective date--1967 ex.s. c 42: See note following RCW 3.30.010.

Savings--1967 ex.s. c 42: See note following RCW 3.30.010.

Population determinations, office financial management: Chapter 43.62 RCW.

RCW 43.63A.155 Local government bond information--Publication--Rules.

Applicable Cases

The department of community, trade, and economic development shall retain the bond information it receives under RCW 39.44.210 and 39.44.230 and shall publish summaries of local government bond issues at least once a year.

The department of community, trade, and economic development shall adopt rules under chapter 34.05 RCW to implement RCW 39.44.210 and 39.44.230.

[1993 c 280 § 61; 1989 c 225 § 5; 1985 c 130 § 6.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

RCW 43.63A.190 Distribution of funds for border areas.

Applicable Cases

Funds appropriated by the legislature as supplemental resources for border areas shall be distributed by the state treasurer pursuant to the formula for distributing funds from the liquor

revolving fund to border areas, and expenditure requirements for such distributions, under RCW 66.08.196.

[1995 c 159 § 5; 1984 c 125 § 11; 1981 c 269 § 2.]

Notes:

Effective date--1995 c 159: See note following RCW 66.08.190.

Legislative declaration--1981 c 269: "The legislature finds and declares that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. The legislature further finds that it is in the public interest and for the protection of the health, property, and welfare of the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas." [1981 c 269 § 1.]

RCW 43.63A.215 Accessory apartments--Development and placement--Local governments.

Applicable Cases

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, report to the legislature on the development and placement of accessory apartments. The department shall produce a written report by December 15, 1993, which:

(a) Identifies local governments that allow the siting of accessory apartments in areas zoned for single-family residential use; and

(b) Makes recommendations to the legislature designed to encourage the development and placement of accessory apartments in areas zoned for single-family residential use.

(2) The recommendations made under subsection (1) of this section shall not take effect before ninety days following adjournment of the 1994 regular legislative session.

(3) Unless provided otherwise by the legislature, by December 31, 1994, local governments shall incorporate in their development regulations, zoning regulations, or official controls the recommendations contained in subsection (1) of this section. The accessory apartment provisions shall be part of the local government's development regulation, zoning regulation, or official control. To allow local flexibility, the recommendations shall be subject to such regulations, conditions, procedures, and limitations as determined by the local legislative authority.

(4) As used in this section, "local government" means:

(a) A city or code city with a population that exceeds twenty thousand;

(b) A county that is required to or has elected to plan under the state growth management act; and

(c) A county with a population that exceeds one hundred twenty-five thousand.

[1993 c 478 § 7.]

RCW 43.63A.230 Employee ownership program--Advisory panel--Reports--When employee stock ownership plans qualify.

Applicable Cases

(1) The department of community, trade, and economic development shall integrate an

employee ownership program within its existing technical assistance programs. The employee ownership program shall provide technical assistance to cooperatives authorized under chapter 23.78 RCW and conduct educational programs on employee ownership and self-management. The department shall include information on the option of employee ownership wherever appropriate in its various programs.

(2) The department shall maintain a list of firms and individuals with expertise in the field of employee ownership and utilize such firms and individuals, as appropriate, in delivering and coordinating the delivery of technical, managerial, and educational services. In addition, the department shall work with and rely on the services of the employment security department and state institutions of higher education to promote employee ownership.

(3) The department shall report to the governor, the appropriate economic development committees of the senate and the house of representatives, and the ways and means committees of each house by December 1 of 1988, and each year thereafter, on the accomplishments of the employee-ownership program. Such reports shall include the number and types of firms assisted, the number of jobs created by such firms, the types of services, the number of workshops presented, the number of employees trained, and the results of client satisfaction surveys distributed to those using the services of the program.

(4) For purposes of this section, an employee stock ownership plan qualifies as a cooperative if at least fifty percent, plus one share, of its voting shares of stock are voted on a one-person-one-vote basis.

[1993 c 280 § 63; 1988 c 186 § 17; 1987 c 457 § 15.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--1988 c 186 § 17: "Section 17 of this act shall take effect June 30, 1993." [1988 c 186 § 18.]

Severability--1987 c 457: See RCW 23.78.902.

RCW 43.63A.240 Senior environmental corps--Finding.

Applicable Cases

The legislature finds that:

Enhancement and protection of the state's environment demands more resources than government funding can provide;

A critical underutilized asset to society is the knowledge, skills, abilities, and wisdom of our expanding, able senior population;

Central to the well-being and continued connection to society of Washington's senior citizens is the opportunity for them to voluntarily continue to provide meaningful contributions and to share their professional training, lifelong skills, talents, and wisdom with Washington state's citizens;

It will benefit all the citizens of the state of Washington to create a partnership between our senior citizens and the state's natural resource agencies to augment our capability to protect, enhance, and appreciate the environment.

[1992 c 63 § 1.]

Notes:

Severability--1992 c 63: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 63 § 16.]

RCW 43.63A.245 Senior environmental corps--Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.63A.240 through 43.63A.270.

"Agency" means one of the agencies or organizations participating in the activities of the senior environmental corps.

"Coordinator" means the person designated by the director of community, trade, and economic development to administer the activities of the senior environmental corps.

"Corps" means the senior environmental corps.

"Department" means the department of community, trade, and economic development.

"Director" means the director of community, trade, and economic development or the director's authorized representative.

"Representative" means the person who is responsible for the activities of the senior environmental corps in his or her agency.

"Senior" means any person who is fifty-five years of age or over.

"Volunteer" means a person who is willing to work without expectation of salary or financial reward, and who chooses where he or she provides services and the type of services he or she provides.

[1999 c 151 § 1201; 1993 c 280 § 64; 1992 c 63 § 2.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.247 Senior environmental corps--Created.

Applicable Cases

The senior environmental corps is created within the department of community, trade, and economic development. The departments of agriculture, community, trade, and economic development, employment security, ecology, fish and wildlife, health, and natural resources, the parks and recreation commission, and the *Puget Sound water quality authority shall participate in the administration and implementation of the corps and shall appoint representatives to the council.

[1994 c 264 § 25; 1993 c 280 § 65; 1992 c 63 § 3.]

Notes:

***Reviser's note:** The Puget Sound water quality authority and its powers and duties, pursuant to the Sunset Act, chapter 43.131 RCW, were terminated June 30, 1995, and repealed June 30, 1996. See 1990 c 115 §§ 11 and 12. Powers, duties, and functions of the Puget Sound water quality authority pertaining to cleanup and protection of Puget Sound transferred to the Puget Sound action team by 1996 c 138 § 11. See RCW 90.71.903.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.249 Senior environmental corps--Goals.

Applicable Cases

The goals of the corps shall be to:

Provide resources and a support structure to facilitate corps activities and accomplish goals;

Carry out professional and paraprofessional projects that focus on conservation, protection, rehabilitation, and enhancement of the state's natural, environmental, and recreational resources and that otherwise would not be implemented because of limited financial resources;

Provide meaningful opportunities for senior volunteers to continue to utilize their professional training, lifelong skills, abilities, experience, and wisdom through participation in corps projects;

Assist agencies in carrying out statutory assignments with limited funding resources;

Enhance community understanding of environmental issues through educational outreach; and

Enhance the state's ability to provide needed public services in both urban and rural settings.

[1992 c 63 § 4.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.265 Senior environmental corps--Department duties--Volunteers may not displace currently employed workers.

Applicable Cases

(1) Contingent upon available funding, the department shall:

Provide a coordinator and staff support to the council as needed;

Provide support to the agencies for recruitment of volunteers;

Develop a budget and allocate available funds with the advice of the council;

Develop a written volunteer agreement;

Collect and maintain project and volunteer records;

Provide reports to the legislature and the council as requested;

Provide agency project managers and volunteers with orientation to the corps program and training in the use of volunteers;

Act as a liaison with and provide information to other states and jurisdictions on the corps program and program activities;

Appoint a representative to the coordinating council;

Develop project proposals;
Administer project activities within the agency;
Develop appropriate procedures for the use of volunteers;
Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;
Maintain project records and provide project reports;
Apply for and accept grants or contributions for corps approved projects; and
With the approval of the council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 6.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.270 Senior environmental corps--Volunteer activity to be governed by agreement.

Applicable Cases

All volunteer activity must be performed under the terms of a written master agreement approved by the council and the attorney general. As a minimum, the volunteer agreement must include a description of the work that the volunteer is to perform, including the standards of performance required, any expenses or other benefits to which the volunteer is to be entitled, such as mileage, lodging, state industrial coverage, uniforms, or other clothing or supplies, training or other support to be provided to the volunteer by the agency, the duration of the agreement, and the terms under which the agreement may be canceled.

[1992 c 63 § 7.]

Notes:

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.63A.275 Retired senior volunteer programs (RSVP)--Funds distribution.

Applicable Cases

(1) Each biennium the department of community, trade, and economic development shall distribute such funds as are appropriated for retired senior volunteer programs (RSVP) as follows:

(a) At least sixty-five percent of the moneys may be distributed according to formulae and criteria to be determined by the department of community, trade, and economic development in consultation with the RSVP directors association.

(b) Up to twenty percent of the moneys may be distributed by competitive grant process to develop RSVP projects in counties not presently being served, or to expand existing RSVP services into counties not presently served.

(c) Ten percent of the moneys may be used by the department of community, trade, and economic development for administration, monitoring of the grants, and providing technical assistance to the RSVP projects.

(d) Up to five percent of the moneys may be used to support projects that will benefit RSVPs state-wide.

(2) Grants under subsection (1) of this section shall give priority to programs in the areas of education, tutoring, English as a second language, combating of and education on drug abuse, housing and homeless, and respite care, and shall be distributed in accordance with the following:

(a) None of the grant moneys may be used to displace any paid employee in the area being served.

(b) Grants shall be made for programs that focus on:

(i) Developing new roles for senior volunteers in nonprofit and public organizations with special emphasis on areas targeted in section 1, chapter 65, Laws of 1992. The roles shall reflect the diversity of the local senior population and shall respect their life experiences;

(ii) Increasing the expertise of volunteer managers and RSVP managers in the areas of communication, recruitment, motivation, and retention of today's over-sixty population;

(iii) Increasing the number of senior citizens recruited, referred, and placed with nonprofit and public organizations; and

(iv) Providing volunteer support such as: Mileage to and from the volunteer assignment, recognition, and volunteer insurance.

[1993 c 280 § 67; 1992 c 65 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1992 c 65: "The legislature finds that there is a growing number of citizens in the state over the age of sixty who have much to offer their fellow citizens and communities through volunteer service. The legislature further finds that public programs for education, at-risk youth, adult literacy, and combating drug abuse have benefited from and are still in need of the assistance of skilled retired senior volunteer programs volunteers. In addition the legislature further finds that public programs for developmentally disabled, environmental protection, corrections, crime prevention, mental health, long-term and respite care, and housing and homeless, among others, are also in need of volunteer assistance from the retired senior volunteer program.

Therefore, the legislature intends to encourage the increased involvement of senior volunteers by providing funding throughout Washington to promote the development and enhancement of such programs." [1992 c 65 § 1.]

RCW 43.63A.400 Grants to public broadcast stations.

Applicable Cases

The department of community, trade, and economic development shall distribute grants to eligible public radio and television broadcast stations under RCW 43.63A.410 and 43.63A.420 to assist with programming, operations, and capital needs.

[1993 c 280 § 72; 1987 c 308 § 2.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative findings--1987 c 308: "The legislature finds that public broadcasting creates a cultural and educational environment that is important to the citizens of the state. The legislature also finds that it is in the public interest to provide state support to bring cultural, educational, and public affairs broadcasting services to the citizens of the state." [1987 c 308 § 1.]

RCW 43.63A.410 Grants to broadcast stations eligible for grants from corporation for public broadcasting--Formula--Annual financial statements.

Applicable Cases

(1) Eligibility for grants under this section shall be limited to broadcast stations which are:

(a) Licensed to Washington state organizations, nonprofit corporations, or other entities under section 73.621 of the regulations of the federal communications commission; and

(b) Qualified to receive community service grants from the federally chartered corporation for public broadcasting. Eligibility shall be established as of February 28th of each year.

(2) The formula in this subsection shall be used to compute the amount of each eligible station's grant under this section.

(a) Appropriations under this section shall be divided into a radio fund, which shall be twenty-five percent of the total appropriation under this section, and a television fund, which shall be seventy-five percent of the total appropriation under this section. Each of the two funds shall be divided into a base grant pool, which shall be fifty percent of the fund, and an incentive grant pool, which shall be the remaining fifty percent of the fund.

(b) Each eligible participating public radio station shall receive an equal share of the radio base grant pool, plus a share of the radio incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating radio stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(c) Each eligible participating public television station shall receive an equal share of the television base grant pool, plus a share of the television incentive grant pool equal to the proportion its nonfederal financial support bears to the sum of all participating television stations' nonfederal financial support as most recently reported to the corporation for public broadcasting.

(3) Annual financial reports to the corporation for public broadcasting by eligible stations shall also be submitted by the stations to the department of community, trade, and economic development.

[1993 c 280 § 73; 1987 c 308 § 3.]

Notes:

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Legislative findings--1987 c 308: See note following RCW 43.63A.400.

RCW 43.63A.420 Grants to other broadcast stations--Eligibility--Amounts.

Applicable Cases

(1) Eligibility for grants under this section shall be limited to broadcast stations that:

- (a) Have a noncommercial educational license granted by the federal communications commission;
- (b) Are not eligible under RCW 43.63A.410;
- (c) Have a permanent employee who is assigned operational management responsibility for the station and who is not compensated with moneys granted under this section;
- (d) Meet the operating schedule requirements of the station's federal broadcast license;
- (e) Have facilities and equipment that allow for program origination and production;
- (f) Have a daily broadcast schedule devoted primarily to serving the educational, informational, and cultural needs of the community within its primary service area. The programming shall be intended for a general audience and not designed to further a particular religious philosophy or political organization;
- (g) Originate a locally produced program service designed to serve the community;
- (h) Maintain financial records in accordance with generally accepted accounting principles; and
- (i) Complete an eligibility criteria statement and annual financial survey pursuant to rules adopted by the *department of community development.

(2)(a) A grant of up to ten thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(b) A grant of up to eight thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities not fully developed under federal communications commission rules.

(c) A grant of up to five thousand dollars per year may be made under this section to those eligible stations operating less than twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(d) A grant of up to one thousand five hundred dollars per year may be made under this section to those eligible stations not meeting the requirements of (a), (b), or (c) of this subsection.

(3) Funding received under this section is specifically for the support of public broadcast operations and facilities improvements which benefit the general community. No funds received under this section may be used for any other purposes by licensees of eligible stations.

(4) Any portion of the appropriation not expended under this section shall be transferred for expenditure under RCW 43.63A.410.

[1987 c 308 § 4.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of community development and the

department of trade and economic development were transferred to the department of community, trade, and economic development by 1993 c 280, effective July 1, 1994.

Legislative findings--1987 c 308: See note following RCW 43.63A.400.

RCW 43.63A.440 Assistance to communities adversely impacted by reductions in timber harvests and reductions in salmon fishing.

Applicable Cases

The department of community, trade, and economic development shall provide technical and financial assistance to communities adversely impacted by reductions in timber harvested from federal, state, and private lands and reduction of salmon fishing caused by efforts to maintain the long-term viability of salmon stocks. The department shall use existing technical and financial assistance resources to aid communities in planning, implementing, and assembling financing for high priority community economic development projects.

[1997 c 367 § 7; 1995 c 226 § 13; 1993 c 280 § 74; 1989 c 424 § 7.]

Notes:

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--1989 c 424: See note following RCW 76.12.200.

RCW 43.63A.460 Manufactured housing--Department duties.

Applicable Cases

Beginning on July 1, 1991, the department of community, trade, and economic development shall be responsible for performing all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department of community, trade, and economic development may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of labor and industries shall transfer all records, files, books, and documents necessary for the department of community, trade, and economic development to assume these new functions.

The directors of community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that *this act is implemented on June 7, 1990.

[1993 c 280 § 76; 1990 c 176 § 2.]

Notes:

***Reviser's note:** For codification of "this act" [1990 c 176], see note following RCW 43.22.495.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Transfer of duties from the department of labor and industries: RCW 43.22.495.

RCW 43.63A.465 Manufactured housing--Federal standards--Enforcement. (Contingent expiration date.)

Applicable Cases

The director of the department of community, trade, and economic development shall enforce manufactured housing safety and construction standards adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government, state agencies, or private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) regarding the state administrative agency program.

[1995 c 399 § 74; 1993 c 124 § 1.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.4651 Manufactured housing--Contingent expiration date--RCW 43.63A.465.

Applicable Cases

The 1995 amendments to RCW 43.63A.465 shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and urban development to reimburse the state for the duties described in chapter 124, Laws of 1993.

[1995 c 399 § 219.]

RCW 43.63A.470 Manufactured housing--Inspections, investigations. (Contingent expiration date.)

Applicable Cases

(1) *The director or the director's authorized representative shall conduct such inspections and investigations as may be necessary to implement or enforce manufactured housing rules adopted under the authority of this chapter or to carry out the director's duties under this chapter.*

(2) *For the purposes of enforcement of this chapter, persons duly designated by the director upon presenting appropriate credentials to the owner, operator, or agent in charge shall:*

(a) *At reasonable times and without advance notice enter any factory, warehouse, or establishment in which manufactured homes are manufactured, stored, or held for sale; and*

(b) *At reasonable times, within reasonable limits, and in a reasonable manner inspect*

any factory, warehouse, or establishment as required to comply with the standards adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Each inspection shall be commenced and completed with reasonable promptness.

(3) For the purpose of carrying out the provisions of this chapter, the director or the director's authorized representative is authorized:

(a) To require, by general or special orders, any factory, warehouse, or establishment in which manufactured homes are manufactured, to file, in such form as prescribed, reports or answers in writing to specific questions relating to any function of the department under this chapter. Such reports and answers shall be made under oath or otherwise, and shall be filed with the department within such reasonable time periods as prescribed by the department; and

(b) To hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records, as the director or such officer or employee deems advisable.

(4) In carrying out the inspections authorized by this section the director shall establish by rule, under chapter 34.05 RCW, and impose on manufactured home manufacturers, distributors, and dealers such reasonable fees as may be necessary to offset the expenses incurred by the director in conducting the inspections, provided these fees are set in accordance with guidelines established by the United States secretary of housing and urban development.

[1993 c 124 § 5.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.475 Manufactured housing--Rules. (Contingent expiration date.)

Applicable Cases

The department shall adopt all rules under chapter 34.05 RCW necessary to implement chapter 124, Laws of 1993, giving due consideration to standards and regulations adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured housing construction and safety standards.

[1993 c 124 § 2.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.480 Manufactured housing--Hearing procedures. (Contingent expiration date.)

Applicable Cases

The department shall adopt appropriate hearing procedures under chapter 34.05 RCW

for the holding of formal and informal presentation of views, giving due consideration to hearing procedures adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

[1993 c 124 § 3.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.485 Manufactured housing--Violations--Fines. (Contingent expiration date.)

Applicable Cases

(1) *A person who violates any of the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 is liable to the state of Washington for a civil penalty of not to exceed one thousand dollars for each such violation. Each violation of the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480, shall constitute a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.*

(2) *An individual or a director, officer, or agent of a corporation who knowingly and willfully violates any of the provisions of RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 or any rules adopted under RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480, in a manner that threatens the health or safety of any purchaser, shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.*

(3) *Any legal fees, court costs, expert witness fees, and staff costs expended by the state in successfully pursuing violators of RCW 43.63A.465, 43.63A.470, 43.63A.475, and 43.63A.480 shall be reimbursed in full by the violators.*

[1993 c 124 § 4.]

Notes:

Contingent expiration date--RCW 43.63A.465 through 43.63A.490: See RCW 43.63A.490.

RCW 43.63A.490 Manufactured housing--Contingent expiration date.

Applicable Cases

RCW 43.63A.465 through 43.63A.490 shall expire and be of no force and effect on January 1 in any year following the failure of the United States department of housing and urban development to reimburse the state for the duties described in RCW 43.63A.465 through

43.63A.490.

[1993 c 124 § 6.]

RCW 43.63A.500 Farmworker housing construction manuals and plans.

Applicable Cases

The department shall develop, and make available to the public, model or prototype construction plans and manuals for several types of farmworker housing, including but not limited to seasonal housing for individuals and families, campgrounds, and recreational vehicle parks. Any person or organization intending to construct farmworker housing may adopt one or more of these models as the plan for the proposed housing.

[1990 c 253 § 5.]

Notes:

Legislative finding and purpose--1990 c 253: See note following RCW 43.70.340.

RCW 43.63A.505 Agricultural employee housing--One-stop clearinghouse.

Applicable Cases

The department shall establish and administer a "one-stop clearinghouse" to coordinate state assistance for growers and nonprofit organizations in developing housing for agricultural employees. Growers, housing authorities, and nonprofit organizations shall have direct access to the one-stop clearinghouse. The department one-stop clearinghouse shall provide assistance on planning and design, building codes, temporary worker housing regulations, financing options, and management to growers and nonprofit organizations interested in farmworker construction. The department one-stop clearinghouse shall also provide educational materials and services to local government authorities on Washington state law concerning farmworker housing.

[1999 c 164 § 202.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

RCW 43.63A.510 Affordable housing--Inventory of state-owned land.

Applicable Cases

(1) The department shall work with the departments of natural resources, transportation, social and health services, corrections, and general administration to identify and catalog under-utilized, state-owned land and property suitable for the development of affordable housing for very low-income, low-income or moderate-income households. The departments of natural resources, transportation, social and health services, corrections, and general administration shall provide an inventory of real property that is owned or administered by each agency and is available for lease or sale. The inventories shall be provided to the department by November 1, 1993, with inventory revisions provided each November 1 thereafter.

(2) Upon written request, the department shall provide a copy of the inventory of

state-owned and publicly owned lands and buildings to parties interested in developing the sites for affordable housing.

(3) As used in this section:

(a) "Affordable housing" means residential housing that is rented or owned by a person who qualifies as a very low-income, low-income, or moderate-income household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, adjusted for household size, for the county where the affordable housing is located.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is more than fifty percent but is at or below eighty percent of the median income where the affordable housing is located.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose income is more than eighty percent but is at or below one hundred fifteen percent of the median income where the affordable housing is located.

[1993 c 461 § 2; 1990 c 253 § 6.]

Notes:

Finding--1993 c 461: "(1) The legislature finds that:

(a) The lack of affordable housing for very low-income, low-income, or moderate-income households and special needs populations is intensified by the rising cost of land and construction; and

(b) There are publicly owned land and buildings which may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing.

(2) The legislature declares that the purpose of this act is to:

(a) Provide for an analysis of the inventory of state-owned lands and buildings prepared by the departments of natural resources, transportation, corrections, and general administration;

(b) Identify other publicly owned land and buildings that may be suitable for the development of affordable housing for very-low income, low-income, or moderate-income households and special needs populations;

(c) Provide a central location of inventories of state and publicly owned land and buildings that may be suitable to be marketed, sold, leased, or exchanged for the development of affordable housing; and

(d) Encourage an effective use of publicly owned surplus and underutilized land and buildings suitable for the development of affordable housing for very low-income, low-income, or moderate-income households and special needs populations." [1993 c 461 § 1.]

Legislative finding and purpose--1990 c 253: See note following RCW 43.70.340.

RCW 43.63A.550 Growth management--Inventorying and collecting data.

Applicable Cases

(1) The department shall assist in the process of inventorying and collecting data on public and private land for the acquisition of data describing land uses, demographics, infrastructure, critical areas, transportation corridors physical features, housing, and other information useful in managing growth throughout the state. For this purpose the department shall contract with the department of information services and shall form an advisory group consisting of representatives from state, local, and federal agencies, colleges and universities, and

private firms with expertise in land planning, and geographic information systems.

(2) The department shall establish a sequence for acquiring data, giving priority to rapidly growing areas. The data shall be retained in a manner to facilitate its use in preparing maps, aggregating with data from multiple jurisdictions, and comparing changes over time. Data shall further be retained in a manner which permits its access via computer.

(3) The department shall work with other state agencies, local governments, and private organizations that are inventorying public and private lands to ensure close coordination and to ensure that duplication of efforts does not occur.

[1998 c 245 § 71; 1990 1st ex.s. c 17 § 21.]

Notes:

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.63A.600 Emergency mortgage and rental assistance program--Rural natural resources impact areas--Grants and loans--Goals.

Applicable Cases

(1) The department of community, trade, and economic development, as a member of the agency rural community assistance task force shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber and salmon harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the *rural community assistance recovery coordinator to develop the program in rural natural resources impact areas. Organizations eligible to receive grant funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund. The department shall disburse the funds to eligible local organizations as grants. The local organizations shall use the funds to make grants or loans as specified in RCW 43.63A.600 through 43.63A.640. If funds are disbursed as loans, the local organization shall establish a revolving grant and loan fund with funds received as loan repayments and shall continue to make grants or loans or both grants and loans from funds received as loan repayments to dislocated forest products and dislocated salmon fishing workers eligible under the provisions of RCW 43.63A.600 through 43.63A.640 and to other persons residing in rural natural resources impact areas who meet the requirements of RCW 43.63A.600 through 43.63A.640.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage loans or rental assistance grants or loans on behalf of dislocated forest products and dislocated salmon fishing workers in rural natural resources impact areas who are unable to make mortgage, property tax, or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments, property taxes, or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in rural natural resources impact areas.

[1995 c 226 § 12; 1994 c 114 § 1; 1993 c 280 § 77; 1991 c 315 § 23.]

Notes:

***Reviser's note:** "Timber recovery coordinators" renamed "rural community assistance coordinators" by 1995 c 226.

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--1994 c 114: "This act shall take effect July 1, 1994." [1994 c 114 § 6.]

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Intent--1991 c 315: See note following RCW 50.12.270.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.610 Emergency mortgage assistance--Guidelines.

Applicable Cases

Emergency mortgage assistance shall be provided under the following general guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program shall be made to eligible local organizations, and must not take more than twenty years. Funds repaid to the program shall be used as grants or loans under the provisions of RCW 43.63A.600 through 43.63A.640.

[1994 c 114 § 2; 1991 c 315 § 24.]

Notes:

Effective date--1994 c 114: See note following RCW 43.63A.600.

Intent--1991 c 315: See note following RCW 50.12.270.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.620 Emergency rental assistance--Guidelines.

Applicable Cases

Emergency rental assistance shall be provided under the following general guidelines:

(1) Rental assistance provided under the program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of rental payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

- (3) Rental payments shall be made directly to the landlord.
- (4) Rental assistance shall be granted on a first-come, first-served basis.

[1994 c 114 § 3; 1991 c 315 § 25.]

Notes:

Effective date--1994 c 114: See note following RCW 43.63A.600.

Intent--1991 c 315: See note following RCW 50.12.270.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.630 Emergency mortgage and rental assistance program--Eligibility.

Applicable Cases

To be eligible for assistance under the program, an applicant must:

- (1) Be unable to keep mortgage or rental payments current, due to a loss of employment, and shall be at significant risk of eviction;
- (2) Have his or her permanent residence located in an eligible community;
- (3) If requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;
- (4) Be actively seeking new employment or be enrolled in a training program approved by the director; and
- (5) Submit an application for assistance to an organization eligible to receive funds under RCW 43.63A.600.

[1994 c 114 § 4; 1991 c 315 § 26.]

Notes:

Effective date--1994 c 114: See note following RCW 43.63A.600.

Intent--1991 c 315: See note following RCW 50.12.270.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.640 Emergency mortgage and rental assistance program--Duties--Interest rate, assignment, eligibility.

Applicable Cases

The department shall carry out the following duties:

- (1) Administer the program;
- (2) Identify organizations eligible to receive funds to implement the program;
- (3) Develop and adopt the necessary rules and procedures for implementation of the program and for dispersal of program funds to eligible organizations;
- (4) Establish the interest rate for repayment of loans at two percent below the market rate;
- (5) Work with lending institutions and social service providers in the eligible communities to assure that all eligible persons are informed about the program;
- (6) Utilize federal and state programs that complement or facilitate carrying out the program;

(7) Ensure that local eligible organizations that dissolve or become ineligible assign their program funds, rights to loan repayments, and loan security instruments, to the government of the county in which the local organization is located. If the county government accepts the program assets described in this subsection, it shall act as a local eligible organization under the provisions of RCW 43.63A.600 through 43.63A.640. If the county government declines to participate, the program assets shall revert to the department.

[1994 c 114 § 5; 1991 c 315 § 27.]

Notes:

Effective date--1994 c 114: See note following RCW 43.63A.600.

Intent--1991 c 315: See note following RCW 50.12.270.

Severability--Conflict with federal requirements--Effective date--1991 c 315: See RCW 50.70.900 through 50.70.902.

RCW 43.63A.645 Emergency housing programs--Rules.

Applicable Cases

The department shall, by rule, establish program standards, eligibility standards, eligibility criteria, and administrative rules for emergency housing programs and specify other benefits that may arise in consultation with providers.

[1999 c 267 § 5.]

Notes:

Findings--Intent--Severability--1999 c 267: See notes following RCW 43.20A.790.

RCW 43.63A.650 Housing--Department's responsibilities.

Applicable Cases

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing.

(2) The department shall work with local governments, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented

within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of the efficiency and effectiveness of the plan's design and implementation.

[1999 c 267 § 3; 1993 c 478 § 13.]

Notes:

Findings--Intent--Severability--1999 c 267: See notes following RCW 43.20A.790.

RCW 43.63A.655 Homelessness--Data collection and analyses.

Applicable Cases

(1) In order to improve services for the homeless, the department, within amounts appropriated by the legislature for this specific purpose, shall implement a system for the ongoing collection and analysis of data about the extent and nature of homelessness in Washington state, giving emphasis to information about extent and nature of homelessness in Washington state families with children. The system may be merged with other data gathering and reporting systems and shall:

- (a) Protect the right of privacy of individuals;
- (b) Provide for consultation and collaboration with state agencies including the department of social and health services, experts, and community organizations involved in the delivery of services to homeless persons; and
- (c) Include related information held or gathered by other state agencies.

(2) Within amounts appropriated by the legislature, for this specific purpose, the department shall evaluate the information gathered and disseminate the analysis and the evaluation broadly, using appropriate computer networks as well as written reports.

[1999 c 267 § 4.]

Notes:

Findings--Intent--Severability--1999 c 267: See notes following RCW 43.20A.790.

RCW 43.63A.660 Housing--Technical assistance and information, affordable housing.

Applicable Cases

The department shall provide technical assistance and information to state agencies and local governments to assist in the identification and removal of regulatory barriers to the development and placement of affordable housing. In providing assistance the department may:

- (1) Analyze the costs and benefits of state legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;

(2) Analyze the costs and benefits of local legislation, rules, and administrative actions and their impact on the development and placement of affordable housing;

(3) Assist state agencies and local governments in determining the impact of existing and anticipated actions, legislation, and rules on the development and placement of affordable housing;

(4) Investigate techniques and opportunities for reducing the life-cycle housing costs through regulatory reform;

(5) Develop model standards and ordinances designed to reduce regulatory barriers to affordable housing and assisting in their adoption and use at the state and local government level;

(6) Provide technical assistance and information to state agencies and local governments for implementation of legislative and administrative reform programs to remove barriers to affordable housing;

(7) Prepare state regulatory barrier removal strategies;

(8) Provide staffing to the affordable housing advisory board created in RCW 43.185B.020; and

(9) Perform other activities as the director deems necessary to assist the state, local governments, and the housing industry in meeting the affordable housing needs of the state.

[1993 c 478 § 14.]

RCW 43.63A.670 Home-matching program--Finding, purpose.

Applicable Cases

(1) The legislature finds that:

(a) The trend toward smaller household sizes will continue into the foreseeable future;

(b) Many of these households are in housing units that contain more bedrooms than occupants;

(c) There are older homeowners on relatively low, fixed income who are experiencing difficulties maintaining their homes; and

(d) There are single parents, recently widowed persons, people in the midst of divorce or separation, and handicapped that are faced with displacement due to the high cost of housing.

(2) The legislature declares that the purpose of RCW 43.63A.680 is to develop a pilot program designed to:

(a) Provide home-matching services that can enable people to continue living in their homes while promoting continuity of home ownership and community stability; and

(b) Counter the problem of displacement among people on relatively low, fixed incomes by linking people offering living space with people seeking housing.

[1993 c 478 § 18.]

RCW 43.63A.680 Home-matching program--Pilot programs.

Applicable Cases

(1) The department may develop and administer a home-matching program for the purpose of providing grants and technical assistance to eligible organizations to operate local

home-matching programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department may select up to five eligible organizations for the purpose of implementing a local home-matching program. The local home-matching programs are designed to facilitate: (a) Intergenerational homesharing involving older homeowners sharing homes with younger persons; (b) homesharing arrangements that involve an exchange of services such as cooking, housework, gardening, or babysitting for room and board or some financial consideration such as rent; and (c) the more efficient use of available housing.

(3) In selecting local pilot programs under this section, the department shall consider:

(a) The eligible organization's ability, stability, and resources to implement the local home-matching program;

(b) The eligible organization's efforts to coordinate other support services needed by the individual or family participating in the local home-matching program; and

(c) Other factors the department deems appropriate.

(4) The eligible organizations shall establish criteria for participation in the local home-matching program. The eligible organization shall make a determination of eligibility regarding the individuals' or families' participation in the local home-matching program. The determination shall include, but is not limited to a verification of the individual's or family's history of making rent payments in a consistent and timely manner.

[1993 c 478 § 19.]

RCW 43.63A.690 Minority and women-owned business enterprises--Linked deposit program.

Applicable Cases

(1) The department shall provide technical assistance and loan packaging services that enable minority and women-owned business enterprises to obtain financing under the linked deposit program created under RCW 43.86A.060.

(2) The department shall, in consultation with the state treasurer, monitor the performance of loans made to minority and women-owned business enterprises under RCW 43.86A.060.

[1993 c 512 § 31.]

Notes:

Sunset Act application: See note following RCW 43.86A.060.

Finding--Intent--1993 c 512: See note following RCW 43.86A.060.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.63A.700 Community empowerment zone--Application.

Applicable Cases

(1) The department, in cooperation with the department of revenue, the employment security department, and the office of financial management, shall approve applications

submitted by local governments for designation as a community empowerment zone under this section. The application shall be in the form and manner and contain such information as the department may prescribe, provided that the application for designation shall:

(a) Contain information sufficient for the director to determine if the criteria established in RCW 43.63A.710 have been met.

(b) Be submitted on behalf of the local government by its chief elected official, or, if none, by the governing body of the local government.

(c) Contain a five-year community empowerment plan that describes the proposed designated community empowerment zone's community development needs and present a strategy for meeting those needs. The plan shall address the following categories: Housing needs; public infrastructure needs, such as transportation, water, sanitation, energy, and drainage/flood control; other public facilities needs, such as neighborhood facilities or facilities for provision of health, education, recreation, public safety, or other services; community economic development needs, such as commercial/industrial revitalization, job creation and retention considering the unemployment and underemployment of area residents, accessibility to financial resources by area residents and businesses, investment within the area, or other related components of community economic development; and social service needs.

The local government is required to provide a description of its strategy for meeting the needs identified in this subsection (1)(c). As part of the strategy, the local government is required to identify the needs for which specific plans are currently in place and the source of funds expected to be used. For the balance of the area's needs, the local government must identify the source of funds expected to become available during the next two-year period and actions the local government will take to acquire those funds.

(d) Certify that neighborhood residents were given the opportunity to participate in the development of the five-year community empowerment strategy required under (c) of this subsection.

(2) No local government shall submit more than two neighborhoods to the department for possible designation as a designated community empowerment zone under this section.

(3)(a) Within ninety days after January 1, 1994, the director may designate up to six designated community empowerment zones from among the applications eligible for designation as a designated community empowerment zone.

(b) The director shall make determinations of designated community empowerment zones on the basis of the following factors:

(i) The strength and quality of the local government commitments to meet the needs identified in the five-year community empowerment plan required under this section.

(ii) The level of private commitments by private entities of additional resources and contribution to the designated community empowerment zone.

(iii) The potential for revitalization of the area as a result of designation as a designated community empowerment zone.

(iv) Other factors the director deems necessary.

(c) The determination of the director as to the areas designated as community

empowerment zones shall be final.

[1994 sp.s. c 7 § 702; 1993 sp.s. c 25 § 401.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

RCW 43.63A.710 Community empowerment zone--Requirements.

Applicable Cases

(1) The director may not designate an area as a designated community empowerment zone unless that area meets the following requirements:

(a) The area must be designated by the legislative authority of the local government as an area to receive federal, state, and local assistance designed to increase economic, physical, or social activity in the area;

(b) The area must have at least fifty-one percent of the households in the area with incomes at or below eighty percent of the county's median income, adjusted for household size;

(c) The average unemployment rate for the area, for the most recent twelve-month period for which data is available must be at least one hundred twenty percent of the average unemployment rate of the county; and

(d) A five-year community empowerment plan for the area that meets the requirements of RCW 43.63A.700(1)(c) and as further defined by the director must be adopted.

(2) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purposes of this section are satisfied.

(3) In determining if an area meets the requirements of this section, the director may consider data provided by the United States bureau of the census from the most recent census or any other reliable data that the director determines to be acceptable for the purposes for which the data is used.

[1994 sp.s. c 7 § 703; 1993 sp.s. c 25 § 402.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

RCW 43.63A.715 Rural enterprise zones--Establishment--Applications--Authority of zones.

Applicable Cases

The legislature recognizes the unique difficulties encountered by communities in rural distressed areas wishing to promote business development, increase employment opportunities, and provide a high quality of life for its citizens. In response the legislature authorizes the establishment of rural enterprise zones that will allow the targeting of state services and resources in the form of business, industry recruitment, regulatory relief, and infrastructure

development. It is the intent of the legislature to provide the critical level of resources and services to businesses and entities located in these rural enterprise zones that they will be the catalyst for economic prosperity and diversity throughout rural distressed areas in Washington.

(1) The department in cooperation with the department of revenue and other state agencies shall approve applications submitted by local governments in rural distressed areas. The application shall be in the form and manner and contain the necessary information designated by the department. The application shall:

(a) Be submitted on behalf of the local government by the chief elected official or, if none, by the governing body of the local government;

(b) Outline the purpose for the economic development enterprise zone and the process in which the application was developed;

(c) Demonstrate the level of government and community support for the enterprise zone;

(d) Outline the manner in which the enterprise zone will be governed and report its activities to the local government and the department; and

(e) Designate the geographic area in which the rural enterprise zone will exist.

(2) Rural enterprise zones are authorized to:

(a) Hire a director or designate an individual to oversee operations;

(b) Seek federal, state, and local government support in its efforts to target, develop, and attract viable businesses;

(c) Work with the office of business assistance and recruitment for rural distressed areas in the pursuit of its economic development activities;

(d) Provide a local one-stop shop for businesses intending to locate, retain, expand, or start their businesses within its zone; and

(e) Provide comprehensive permitting, zoning, and regulatory assistance to businesses or entities within the zone.

(3) Rural enterprise zones are authorized to receive the services and funding resources as provided under the rural area marketing plan and other resources assisting rural distressed areas.

(4) Rural enterprise zones may be established in conjunction with a foreign trade zone.

[1997 c 366 § 9.]

Notes:

Intent--Goals--Severability--Captions and part headings not law--1997 c 366: See notes following RCW 82.14.370.

RCW 43.63A.720 Prostitution prevention and intervention services--Grant program.

Applicable Cases

There is established in the department of community, trade, and economic development a grant program to enhance funding for prostitution prevention and intervention services. Activities that can be funded through this grant program shall provide effective prostitution prevention and intervention services, such as counseling, parenting, housing relief, education, and vocational training, that:

(1) Comprehensively address the problems of persons who are prostitutes; and

- (2) Enhance the ability of persons to leave or avoid prostitution.

[1995 c 353 § 7.]

RCW 43.63A.725 Prostitution prevention and intervention grants--Eligibility.

Applicable Cases

- (1) Applications for funding under this chapter must:
 - (a) Meet the criteria in RCW 43.63A.720; and
 - (b) Contain evidence of active participation of the community and its commitment to providing effective prevention and intervention services for prostitutes through the participation of local governments, tribal governments, networks under chapter 70.190 RCW, human service and health organizations, and treatment entities and through meaningful involvement of others, including citizen groups.
- (2) Local governments, networks under chapter 70.190 RCW, nonprofit community groups, and nonprofit treatment providers including organizations that provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants established under RCW 43.63A.720.

[1995 c 353 § 8.]

RCW 43.63A.730 Prostitution prevention and intervention grants--Applications, contents.

Applicable Cases

- At a minimum, grant applications must include the following:
- (1) The proposed geographic service area;
 - (2) A description of the extent and effect of the needs for prostitution prevention and intervention within the relevant geographic area;
 - (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
 - (4) An explanation of what organizations were involved in the development of the proposal; and
 - (5) The methods that will be employed to measure the success of the program.

[1995 c 353 § 9.]

RCW 43.63A.735 Prostitution prevention and intervention grants--Award and use.

Applicable Cases

- (1) Subject to funds appropriated by the legislature, including funds in the prostitution prevention and intervention account, the department of community, trade, and economic development shall make awards under the grant program established by RCW 43.63A.720.
- (2) Awards shall be made competitively based on the purposes of and criteria in RCW 43.63A.720 through 43.63A.730.
- (3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding of a program or activity under this chapter shall not constitute an obligation by the state of Washington to provide

ongoing funding.

(4) The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the grant program established under RCW 43.63A.720 and expend the same or any income from these sources according to the terms of the gifts, grants, or endowments.

(5) The department of community, trade, and economic development may expend up to five percent of the funds appropriated for the grant program for administrative costs and grant supervision.

[1995 c 353 § 10.]

RCW 43.63A.740 Prostitution prevention and intervention account.

Applicable Cases

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under RCW 9.68A.105 and 9A.88.120 shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under RCW 43.63A.720.

[1995 c 353 § 11.]

RCW 43.63A.750 Performing arts, art museums, cultural facilities--Competitive grant program for nonprofit organizations. (Expires June 30, 2007.)

Applicable Cases

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed four million dollars. The department may provide an additional alternate project list which shall not exceed five hundred thousand dollars.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a state-wide solicitation of project applications from nonprofit organizations, local governments, and other entities, as determined by the department. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual

project applications but the amount shall not exceed twenty percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

[1999 c 295 § 1.]

Notes:

Expiration date--1999 c 295: "Section 1 of this act, RCW 27.34.330, and 43.63A.125 shall expire June 30, 2007." [1999 c 295 § 4.]

RCW 43.63A.900 Severability--1967 c 74.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[1967 c 74 § 16.]

RCW 43.63A.901 Severability--1984 c 125.

Applicable Cases

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

[1984 c 125 § 23.]

RCW 43.63A.902 Headings--1984 c 125.

Applicable Cases

Headings as used in this act constitute no part of the law.

[1984 c 125 § 24.]

RCW 43.63A.903 Effective date--1984 c 125.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1984.

[1984 c 125 § 25.]

Chapter 43.63B RCW MOBILE AND MANUFACTURED HOME INSTALLATION

RCW

43.63B.005	Purpose.
43.63B.010	Definitions.
43.63B.020	Installer certification--Application--Training.
43.63B.030	Installer certification--Training course--Examination.
43.63B.035	Installer certification--Alternative to department training course--Rules.
43.63B.040	Installer certification--Issuance of certificate--Renewal--Suspension of license or certificate for noncompliance with support order.
43.63B.050	Installer certification--Revocation.
43.63B.060	Local government installation application and permit requirements.
43.63B.070	Fees--Certification program.
43.63B.080	Manufactured home installation training account.
43.63B.090	Certified installer required on-site--Infraction--Exceptions.
43.63B.100	Certified installer required on-site--Infraction--Notice.
43.63B.110	Violations--Investigations--Inspections.
43.63B.120	Violations--Separate infraction for each day, each worksite.
43.63B.130	Violation--Use of uncertified installer.
43.63B.140	Notice of infraction.
43.63B.150	Infractions adjudicated under administrative procedure act.
43.63B.160	Notice as determination.
43.63B.170	Penalty.
43.63B.800	Rule adoption--Enforcement.
43.63B.900	Severability--1994 c 284.
43.63B.901	Effective date--1994 c 284.

RCW 43.63B.005 Purpose.

Applicable Cases

The purpose of this chapter is to ensure that all mobile and manufactured homes are installed by a certified manufactured home installer in accordance with the state installation code, chapter 296-150B WAC, in order to provide greater protections to consumers and make the warranty requirement of *RCW 46.70.134 easier to achieve.

[1994 c 284 § 14.]

Notes:

***Reviser's note:** The reference in 1994 c 284 § 14 to "section 2 of this act" was erroneous. Section 10 of that act, codified as RCW 46.70.134, was apparently intended.

Dispute mediation: RCW 46.70.136.

RCW 43.63B.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authorized representative" means an employee of a state agency, city, or county acting on behalf of the department.

(2) "Certified manufactured home installer" means a person who is in the business of installing mobile or manufactured homes and who has been issued a certificate by the department as provided in this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of community, trade, and economic development.

(5) "Manufactured home" means a single-family dwelling built in accordance with the department of housing and urban development manufactured home construction and safety standards act, which is a national, preemptive building code.

(6) "Mobile or manufactured home installation" means all on-site work necessary for the installation of a manufactured home, including:

(a) Construction of the foundation system;

(b) Installation of the support piers and earthquake resistant bracing system;

(c) Required connection to foundation system and support piers;

(d) Skirting;

(e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home; and

(f) Extension of the pressure relief valve for the water heater.

(7) "Manufactured home standards" means the manufactured home construction and safety standards as promulgated by the United States department of housing and urban development (HUD).

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD manufactured home construction and safety standards act.

(9) "Training course" means the education program administered by the department, or the education course administered by an approved educational provider, as a prerequisite to taking the examination for certification.

(10) "Approved educational provider" means an organization approved by the department to provide education and training of manufactured home installers and local inspectors.

[1998 c 124 § 6; 1994 c 284 § 15.]

RCW 43.63B.020 Installer certification--Application--Training.

Applicable Cases

A person desiring to be issued a certificate of manufactured home installation as provided in this chapter shall make application to the department, in such a form as required by the department.

Upon receipt of the application and evidence required in this chapter, the director shall review the information and make a determination as to whether the applicant is eligible to take the training course and examination for the certificate of manufactured home installation. An applicant must furnish written evidence of six months of experience under the direct supervision of a certified manufactured home installer, or other equivalent experience, in order to be eligible to take the training course and examination. The director shall establish reasonable rules for the training course and examinations to be given to applicants for certificates of manufactured home installation. Upon determining that the applicant is eligible to take the training course and examination, the director shall notify the applicant, indicating the time and place for taking the training course and examination.

The requirement that an applicant must be under the direct supervision of a certified manufactured home installer for six months only applies to applications made on or after July 1, 1996. For applications made before July 1, 1996, the department shall require evidence of experience to satisfy this requirement.

The director may allow other persons to take the training course and examination on manufactured home installation, without certification.

[1994 c 284 § 17.]

RCW 43.63B.030 Installer certification--Training course--Examination.

Applicable Cases

The department shall prepare a written training course and examination to be administered to applicants for manufactured home installer certification. The examination shall be constructed to determine whether the applicant:

- (1) Possesses general knowledge of the technical information and practical procedures that are necessary for manufactured home installation;
- (2) Is familiar with the federal and state codes and administrative rules pertaining to manufactured homes; and
- (3) Is familiar with the local government regulations as related to manufactured home installations.

The department shall certify the results of the examination and shall notify the applicant in writing whether the applicant has passed or failed the examination. An applicant who failed the examination may retake the training course and examination. The director may not limit the number of times that a person may take the training course and examination.

[1994 c 284 § 18.]

RCW 43.63B.035 Installer certification--Alternative to department training course--Rules.

Applicable Cases

The department shall adopt rules to establish and administer a process of approving

educational providers as an alternative to the department training course for installers and local inspectors.

[1998 c 124 § 7.]

RCW 43.63B.040 Installer certification--Issuance of certificate--Renewal--Suspension of license or certificate for noncompliance with support order.

Applicable Cases

(1) The department shall issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and in all other respects meets the qualifications. The certificate shall bear the date of issuance, a certification identification number, and is renewable every three years upon application and completion of a continuing education program as determined by the department. A renewal fee shall be assessed for each certificate. If a person fails to renew a certificate by the renewal date, the person must retake the examination and pay the examination fee.

(2) The certificate of manufactured home installation provided for in this chapter grants the holder the right to engage in manufactured home installation throughout the state, without any other installer certification.

(3) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 58 § 874; 1994 c 284 § 19.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 43.63B.050 Installer certification--Revocation.

Applicable Cases

(1) The department may revoke a certificate of manufactured home installation upon the following grounds:

- (a) The certificate was obtained through error or fraud;
- (b) The holder of the certificate is judged to be incompetent as a result of multiple infractions of the state installation code, WAC 296-150B-200 through 296-150B-255; or
- (c) The holder has violated a provision of this chapter or a rule adopted to implement this

chapter.

(2) Before a certificate of manufactured home installation is revoked, the holder must be given written notice of the department's intention to revoke the certificate, sent by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.05 RCW.

[1994 c 284 § 21.]

RCW 43.63B.060 Local government installation application and permit requirements.

Applicable Cases

Any local government mobile or manufactured home installation application and permit shall state either the name and registration number of the contractor or licensed manufactured home dealer or the certification identification number of the certified manufactured home installer supervising such installation. A local government may not issue final approval for the installation of a manufactured home unless the certified installer or the installer's agent has posted at the set-up site the manufactured home installer's certification number and has identified the work being performed on the manufactured home installation on a form prescribed by the department.

[1998 c 124 § 8; 1994 c 284 § 20.]

RCW 43.63B.070 Fees--Certification program.

Applicable Cases

The department shall charge reasonable fees to cover the costs to administer the certification program which shall include but not be limited to the issuance, renewal, and reinstatement of all certificates, training courses, and examinations required under this chapter. All fees collected under this chapter shall be deposited in the manufactured home installation training account created in RCW 43.63B.080 and used only for the purposes specified in this chapter.

The fees shall be limited to covering the direct cost of issuing the certificates, administering the examinations, and administering and enforcing this chapter. The costs shall include only essential travel, per diem, and administrative support costs.

[1994 c 284 § 22.]

RCW 43.63B.080 Manufactured home installation training account.

Applicable Cases

The manufactured home installation training account is created in the state treasury. All receipts collected under this chapter and any legislative appropriations for manufactured home installation training shall be deposited into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used for the purposes of this chapter. Unexpended and unencumbered moneys that remain in the account at the end of the

fiscal year do not revert to the state general fund but remain in the account, separately accounted for, as a contingency reserve.

[1994 c 284 § 23.]

RCW 43.63B.090 Certified installer required on-site--Infraction--Exceptions.

Applicable Cases

After July 1, 1995, a mobile or manufactured home may not be installed without a certified manufactured home installer providing on-site supervision whenever installation work is being performed. The certified manufactured home installer is responsible for the reading, understanding, and following [of] the manufacturer's installation instructions and performance of noncertified workers engaged in the installation of the home. There shall be at least one certified manufactured home installer on the installation site whenever installation work is being performed.

A manufactured home installer certification shall not be required for:

- (1) Site preparation;
- (2) Sewer and water connections outside of the building site;
- (3) Specialty trades that are responsible for constructing accessory structures such as garages, carports, and decks;
- (4) Pouring concrete into forms;
- (5) Painting and dry wall finishing;
- (6) Carpet installation;
- (7) Specialty work performed within the scope of their license by licensed plumbers or electricians. This provision does not waive or lessen any state regulations related to licensing or permits required for electricians or plumbers;
- (8) A mobile or manufactured home owner performing installation work on their own home; and
- (9) A manufacturer's mobile home installation crew installing a mobile or manufactured home sold by the manufacturer except for the on-site supervisor.

Violation of this section is an infraction.

[1994 c 284 § 16.]

RCW 43.63B.100 Certified installer required on-site--Infraction--Notice.

Applicable Cases

An authorized representative of the department may issue a notice of infraction if the person supervising the manufactured home installation work fails to produce evidence of having a certificate issued by the department in accordance with this chapter. A notice of infraction issued under this chapter shall be personally served on or sent by certified mail to the person named in the notice by the authorized representative.

[1994 c 284 § 25.]

RCW 43.63B.110 Violations--Investigations--Inspections.

Applicable Cases

An authorized representative may investigate alleged or apparent violations of this chapter. Upon presentation of credentials, an authorized representative, including a local government building official, may inspect sites at which manufactured home installation work is undertaken to determine whether such work is being done under the supervision of a certified manufactured home installer. Upon request of the authorized representative, a person performing manufactured home installation work shall identify the person holding the certificate issued by the department in accordance with this chapter.

[1994 c 284 § 24.]

RCW 43.63B.120 Violations--Separate infraction for each day, each worksite.

Applicable Cases

Each day in which a person engages in the installation of manufactured homes in violation of this chapter is a separate infraction. Each worksite at which a person engages in the trade of manufactured home installation in violation of this chapter is a separate infraction.

[1994 c 284 § 27.]

RCW 43.63B.130 Violation--Use of uncertified installer.

Applicable Cases

It is a violation of this chapter for any contractor, manufactured home dealer, manufacturer, or home dealer's or manufacturer's agent to engage any person to install a manufactured home who is not certified in accordance with this chapter.

[1994 c 284 § 28.]

RCW 43.63B.140 Notice of infraction.

Applicable Cases

(1) The department shall prescribe the form of the notice of infraction issued under this chapter.

(2) The notice of infraction shall include the following:

(a) A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination is final unless contested as provided in this chapter;

(b) A statement that the infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

(c) A statement of the specific infraction for which the notice was issued;

(d) A statement of a monetary penalty that has been established for the infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that, at a hearing to contest the determination, the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the person may subpoena witnesses including the authorized representative who issued and served

the notice of the infraction;

(g) A statement, that the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(h) A statement that refusal to sign the infraction as directed in (g) of this subsection is a misdemeanor; and

(i) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

[1994 c 284 § 26.]

RCW 43.63B.150 Infractions adjudicated under administrative procedure act.

Applicable Cases

All violations designated as an infraction shall be adjudicated in accordance with the administrative procedure act, chapter 34.05 RCW.

[1994 c 284 § 29.]

RCW 43.63B.160 Notice as determination.

Applicable Cases

Unless contested in accordance with this chapter, the notice of infraction represents a determination that the person to whom the notice was issued committed the infraction.

[1994 c 284 § 30.]

RCW 43.63B.170 Penalty.

Applicable Cases

(1) A person found to have committed an infraction under this chapter shall be assessed a monetary penalty of one thousand dollars.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be remitted as provided in chapter 3.62 RCW.

[1994 c 284 § 31.]

RCW 43.63B.800 Rule adoption--Enforcement.

Applicable Cases

The director may adopt rules in accordance with chapter 34.05 RCW, make specific decisions, orders, and rulings, include demands and findings within the decisions, orders, and rulings, and take other necessary action for the implementation and enforcement of duties under this chapter.

[1994 c 284 § 32.]

RCW 43.63B.900 Severability--1994 c 284.

Applicable Cases

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

[1994 c 284 § 34.]

RCW 43.63B.901 Effective date--1994 c 284.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994].

[1994 c 284 § 35.]

**Chapter 43.70 RCW
DEPARTMENT OF HEALTH**

RCW

43.70.005	Intent.
43.70.010	Definitions.
43.70.020	Department created.
43.70.030	Secretary of health.
43.70.040	Secretary's powers--Rule-making authority.
43.70.045	Warren Featherstone Reid Award for Excellence in Health Care.
43.70.047	Warren Featherstone Reid Award for Excellence in Health Care.
43.70.050	Collection, utilization, and accessibility of health-related data.
43.70.052	Hospital discharge data--Financial reports--Data retrieval--American Indian health data.
43.70.054	Health care data standards--Submittal of standards to legislature.
43.70.060	Duties of department--Promotion of health care cost-effectiveness.
43.70.064	Health care quality--Findings and intent--Requirements for conducting study under RCW 43.70.066.
43.70.066	Study--Uniform quality assurance and improvement program--Reports to legislature--Limitation on rule making.
43.70.068	Quality assurance--Interagency cooperation.
43.70.070	Duties of department--Analysis of health services.
43.70.075	Identity of whistleblower protected--Remedy for retaliatory action--Definitions--Rules.
43.70.080	Transfer of powers and duties from the department of social and health services.
43.70.090	Authority to administer oaths and issue subpoenas--Provisions governing subpoenas.
43.70.095	Civil fines.
43.70.097	Enforcement in accordance with RCW 43.05.100 and 43.05.110.
43.70.100	Reports of violations by secretary--Duty to institute proceedings--Notice to alleged violator.
43.70.110	License fees--Exemption--Waiver.
43.70.115	Licenses--Denial, suspension, revocation, modification.
43.70.120	Federal programs--Rules--Statutes to be construed to meet federal law.
43.70.130	Powers and duties of secretary--General.
43.70.140	Annual conference of health officers.
43.70.150	Registration of vital statistics.
43.70.160	Duties of registrar.

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- 43.70.170 Threat to public health--Investigation, examination or sampling of articles or conditions constituting--Access--Subpoena power.
- 43.70.180 Threat to public health--Order prohibiting sale or disposition of food or other items pending investigation.
- 43.70.185 Inspection of property where marine species located--Prohibitions on harvest or landing--Penalties.
- 43.70.190 Violations--Injunctions and legal proceedings authorized.
- 43.70.195 Public water systems--Receivership actions brought by secretary--Plan for disposition.
- 43.70.200 Enforcement of health laws and state or local rules and regulations upon request of local health officer.
- 43.70.210 Right of person to rely on prayer to alleviate ailments not abridged.
- 43.70.220 Transfer of powers and duties from the department of licensing.
- 43.70.230 Office of health consumer assistance created--Duties.
- 43.70.240 Written operating agreements.
- 43.70.250 License fees for professions, occupations, and businesses.
- 43.70.260 Appointment of temporary additional members of boards and committees for administration and grading of examinations.
- 43.70.270 License moratorium for persons in the service.
- 43.70.280 Procedure for issuance, renewal, or reissuance of credentials--Extension or modification of licensing, certification, or registration period authorized.
- 43.70.290 Funeral directors and embalmers subject to chapter 18.130 RCW.
- 43.70.300 Secretary or secretary's designee ex officio member of health professional licensure and disciplinary boards.
- 43.70.310 Cooperation with department of ecology.
- 43.70.320 Health professions account--Fees credited--Requirements for biennial budget request.
- 43.70.325 Rural health access account.
- 43.70.334 Temporary worker housing--Definition.
- 43.70.335 Temporary worker housing operating license--Fee--Display--Suspension or revocation--Fines--Refunds--Rules--Application of department of labor and industries standards.
- 43.70.337 Temporary worker housing building permit--Plans and specifications--Fees--Rules.
- 43.70.340 Temporary worker housing inspection fund--Fees on temporary worker housing operating licenses and building permits--Licenses generally.
- 43.70.400 Head injury prevention--Legislative finding.
- 43.70.410 Head injury prevention--Program, generally.
- 43.70.420 Head injury prevention--Information preparation.
- 43.70.430 Head injury prevention--Guidelines on training and education--Training of emergency medical personnel.
- 43.70.440 Head injury prevention act--Short title.
- 43.70.450 Senior environmental corps--Department powers and duties.
- 43.70.460 Retired primary care provider liability malpractice insurance--Program authorized.
- 43.70.470 Retired primary care provider liability malpractice insurance--Conditions.
- 43.70.480 Emergency medical personnel--Futile treatment and natural death directives.
- 43.70.500 Health care services practice indicators and risk management protocols.
- 43.70.510 Health care services coordinated quality improvement program--Rules.
- 43.70.520 Public health services improvement plan.
- 43.70.525 Immunization assessment and enhancement proposals by local jurisdictions.
- 43.70.530 Home visitor program.
- 43.70.540 Data collection--Legislative finding and intent.
- 43.70.545 Data collection and reporting rules.
- 43.70.550 Public health services improvement plan--Contents.

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43.70.555	Assessment standards.
43.70.560	Media violence--Reporting reduction efforts.
43.70.570	Intent--1995 c 43.
43.70.575	Definitions.
43.70.580	Public health improvement plan--Funds--Performance-based contracts--Rules--Evaluation and report.
43.70.590	American Indian health care delivery plan.
43.70.600	Survey regarding exposure to radio frequencies--Results.
43.70.605	Personal wireless services--Random testing on power density analysis--Rules.
43.70.610	Domestic violence education program--Established--Findings.
43.70.620	List of contacts--Health care professions.
43.70.900	References to the secretary or department of social and health services--1989 1st ex.s. c 9.
43.70.901	References to the director or department of licensing--1989 1st ex.s. c 9.
43.70.902	References to the hospital commission--1989 1st ex.s. c 9.
43.70.910	Effective date--1989 1st ex.s. c 9.
43.70.920	Severability--1989 1st ex.s. c 9.

Notes:

Immunization program, departmental participation: RCW 28A.210.060 through 28A.210.170.

Interagency agreement on fetal alcohol exposure programs: RCW 70.96A.510.

Pesticide advisory board, departmental representation: RCW 17.21.230.

Registration of adult family home providers and resident managers: Chapter 18.48 RCW.

Visual and auditory screening of pupils, data transferred to secretary: RCW 28A.210.030.

RCW 43.70.005 Intent.

Applicable Cases

The legislature finds and declares that it is of importance to the people of Washington state to live in a healthy environment and to expect a minimum standard of quality in health care. The legislature further finds that the social and economic vitality of the state depend[s] on a healthy and productive population. The legislature further declares where it is a duty of the state to assure a healthy environment and minimum standards of quality in health care facilities and among health care professionals, the ultimate responsibility for a healthy society lies with the citizens themselves.

For these reasons, the legislature recognizes the need for a strong, clear focus on health issues in state government and among state health agencies to give expression to the needs of individual citizens and local communities as they seek to preserve the public health. It is the intent of the legislature to form such focus by creating a single department in state government with the primary responsibilities for the preservation of public health, monitoring health care costs, the maintenance of minimal standards for quality in health care delivery, and the general oversight and planning for all the state's activities as they relate to the health of its citizenry.

Further, it is the intent of the legislature to improve illness and injury prevention and health promotion, and restore the confidence of the citizenry in the expenditure of public funds on health activities, and to ensure that this new health agency delivers quality health services in

an efficient, effective, and economical manner that is faithful and responsive to policies established by the legislature.

[1989 1st ex.s. c 9 § 101.]

RCW 43.70.010 Definitions.

Applicable Cases

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

(1) "Assessment" means the regular collection, analysis, and sharing of information about health conditions, risks, and resources in a community. Assessment activities identify trends in illness, injury, and death and the factors that may cause these events. They also identify environmental risk factors, community concerns, community health resources, and the use of health services. Assessment includes gathering statistical data as well as conducting epidemiologic and other investigations and evaluations of health emergencies and specific ongoing health problems;

(2) "Board" means the state board of health;

(3) "Department" means the department of health;

(4) "Policy development" means the establishment of social norms, organizational guidelines, operational procedures, rules, ordinances, or statutes that promote health or prevent injury, illness, or death; and

(5) "Secretary" means the secretary of health.

[1995 c 269 § 2201; 1994 sp.s. c 7 § 206; 1989 1st ex.s. c 9 § 102.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.020 Department created.

Applicable Cases

(1) There is hereby created a department of state government to be known as the department of health. The department shall be vested with all powers and duties transferred to it by chapter 9, Laws of 1989 1st ex. sess. and such other powers and duties as may be authorized by law. The main administrative office of the department shall be located in the city of Olympia. The secretary may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the department, and if consistent with the principles set forth in subsection (2) of this section.

(2) The department of health shall be organized consistent with the goals of providing state government with a focus in health and serving the people of this state. The legislature recognizes that the secretary needs sufficient organizational flexibility to carry out the department's various duties. To the extent practical, the secretary shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between

subelements of the department;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public;

(c) Maximum span of control without jeopardizing adequate supervision;

(d) A substate or regional organizational structure for the department's health service delivery programs and activities that encourages joint working agreements with local health departments and that is consistent between programs;

(e) Decentralized authority and responsibility, with clear accountability;

(f) A single point of access for persons receiving like services from the department which would limit the number of referrals between divisions.

(3) The department shall provide leadership and coordination in identifying and resolving threats to the public health by:

(a) Working with local health departments and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Developing intervention strategies;

(c) Providing expert advice to the executive and legislative branches of state government;

(d) Providing active and fair enforcement of rules;

(e) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing health preservation measures;

(f) Providing information to the public; and

(g) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the department shall ensure an opportunity for consultation, review, and comment by the department's clients before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the secretary may create such administrative divisions, offices, bureaus, and programs within the department as the secretary deems necessary. The secretary shall have complete charge of and supervisory powers over the department, except where the secretary's authority is specifically limited by law.

(6) The secretary shall appoint such personnel as are necessary to carry out the duties of the department in accordance with chapter 41.06 RCW.

(7) The secretary shall appoint the state health officer and such deputy secretaries, assistant secretaries, and other administrative positions as deemed necessary consistent with the principles set forth in subsection (2) of this section. All persons who administer the necessary divisions, offices, bureaus, and programs, and five additional employees shall be exempt from the provisions of chapter 41.06 RCW. The officers and employees appointed under this subsection shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the state civil service law.

(8) The secretary shall administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

[1992 c 198 § 8; 1989 1st ex.s. c 9 § 103.]

Notes:

Severability--Effective date--1992 c 198: See RCW 70.190.910 and 70.190.920.

RCW 43.70.030 Secretary of health.

Applicable Cases

The executive head and appointing authority of the department shall be the secretary of health. The secretary shall be appointed by, and serve at the pleasure of, the governor in accordance with RCW 43.17.020. The secretary shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

[1989 1st ex.s. c 9 § 104.]

RCW 43.70.040 Secretary's powers--Rule-making authority.

Applicable Cases

In addition to any other powers granted the secretary, the secretary may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.: PROVIDED, That for rules adopted after July 23, 1995, the secretary may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule;

(2) Appoint such advisory committees as may be necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The secretary and the board of health shall review each advisory committee within their jurisdiction and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess. in accordance with RCW 43.70.050;

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of chapter 9, Laws of 1989 1st ex. sess.;

(5) Enter into contracts on behalf of the department to carry out the purposes of chapter 9, Laws of 1989 1st ex. sess.;

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program to the purposes of chapter 9, Laws of 1989 1st ex. sess.; or

(7) Accept gifts, grants, or other funds.

[1995 c 403 § 105; 1989 1st ex.s. c 9 § 106.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.70.045 Warren Featherstone Reid Award for Excellence in Health Care.

Applicable Cases

There is created an award to honor and recognize cost-effective and quality health care services. This award shall be known as the "Warren Featherstone Reid Award for Excellence in Health Care."

[1994 c 7 § 2.]

Notes:

Finding--1994 c 7: "The legislature recognizes the critical importance of ensuring that all Washington residents have access to quality and affordable health care. The legislature further recognizes that substantial improvements can be made in health care delivery when providers, including health care facilities, are encouraged to continuously strive for excellence in quality management practices, value, and consumer satisfaction. The legislature finds that when centers of quality are highlighted and honored publicly they become examples for other health care providers to emulate, thereby further promoting the implementation of improved health care delivery processes."
[1994 c 7 § 1.]

RCW 43.70.047 Warren Featherstone Reid Award for Excellence in Health Care.

Applicable Cases

The governor, in conjunction with the secretary of health, shall identify and honor health care providers and facilities in Washington state who exhibit exceptional quality and value in the delivery of health services. The award shall be given annually consistent with the availability of qualified nominees. The secretary may appoint an advisory committee to assist in the selection of nominees, if necessary.

[1994 c 7 § 3.]

RCW 43.70.050 Collection, utilization, and accessibility of health-related data.

Applicable Cases

(1) The legislature intends that the department, board, and *council promote and assess the quality, cost, and accessibility of health care throughout the state as their roles are specified in chapter 9, Laws of 1989 1st ex. sess. in accordance with the provisions of this chapter. In furtherance of this goal, the secretary shall create an ongoing program of data collection, storage, assessability, and review. The legislature does not intend that the department conduct or contract for the conduct of basic research activity. The secretary may request appropriations for studies according to this section from the legislature, the federal government, or private sources.

(2) All state agencies which collect or have access to population-based, health-related data are directed to allow the secretary access to such data. This includes, but is not limited to, data on needed health services, facilities, and personnel; future health issues; emerging bioethical issues; health promotion; recommendations from state and national organizations and associations; and programmatic and statutory changes needed to address emerging health needs. Private entities, such as insurance companies, health maintenance organizations, and private purchasers are also encouraged to give the secretary access to such data in their possession. The secretary's access to and use of all data shall be in accordance with state and federal

confidentiality laws and ethical guidelines. Such data in any form where the patient or provider of health care can be identified shall not be disclosed, subject to disclosure according to chapter 42.17 RCW, discoverable or admissible in judicial or administrative proceedings. Such data can be used in proceedings in which the use of the data is clearly relevant and necessary and both the department and the patient or provider are parties.

(3) The department shall serve as the clearinghouse for information concerning innovations in the delivery of health care services, the enhancement of competition in the health care marketplace, and federal and state information affecting health care costs.

(4) The secretary shall review any data collected, pursuant to this chapter, to:

(a) Identify high-priority health issues that require study or evaluation. Such issues may include, but are not limited to:

(i) Identification of variations of health practice which indicate a lack of consensus of appropriateness;

(ii) Evaluation of outcomes of health care interventions to assess their benefit to the people of the state;

(iii) Evaluation of specific population groups to identify needed changes in health practices and services;

(iv) Evaluation of the risks and benefits of various incentives aimed at individuals and providers for both preventing illnesses and improving health services;

(v) Identification and evaluation of bioethical issues affecting the people of the state; and

(vi) Other such objectives as may be appropriate;

(b) Further identify a list of high-priority health study issues for consideration by the board or *council, within their authority, for inclusion in the state health report required by RCW 43.20.050. The list shall specify the objectives of each study, a study timeline, the specific improvements in the health status of the citizens expected as a result of the study, and the estimated cost of the study; and

(c) Provide background for the state health report required by RCW 43.20.050.

(5) Any data, research, or findings may also be made available to the general public, including health professions, health associations, the governor, professional boards and regulatory agencies and any person or group who has allowed the secretary access to data.

(6) The secretary may charge a fee to persons requesting copies of any data, research, or findings. The fee shall be no more than necessary to cover the cost to the department of providing the copy.

[1989 1st ex.s. c 9 § 107.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

RCW 43.70.052 Hospital discharge data--Financial reports--Data retrieval--American Indian health data.

Applicable Cases

(1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

(3) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.

(5) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

[1995 c 267 § 1.]

Notes:

Captions not law--1995 c 267: "Captions as used in this act constitute no part of the law." [1995 c 267 § 16.]

Severability--1995 c 267: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 267 § 17.]

Effective dates--1995 c 267: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1,

1995, except sections 8 through 11 of this act which shall take effect immediately [May 8, 1995]." [1995 c 267 § 18.]

RCW 43.70.054 Health care data standards--Submittal of standards to legislature.

Applicable Cases

(1) To promote the public interest consistent with chapter 267, Laws of 1995, the department of health, in cooperation with the information services board established under RCW 43.105.032, shall develop health care data standards to be used by, and developed in collaboration with, consumers, purchasers, health carriers, providers, and state government as consistent with the intent of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, to promote the delivery of quality health services that improve health outcomes for state residents. The data standards shall include content, coding, confidentiality, and transmission standards for all health care data elements necessary to support the intent of this section, and to improve administrative efficiency and reduce cost. Purchasers, as allowed by federal law, health carriers, health facilities and providers as defined in chapter 48.43 RCW, and state government shall utilize the data standards. The information and data elements shall be reported as the department of health directs by rule in accordance with data standards developed under this section.

(2) The health care data collected, maintained, and studied by the department under this section or any other entity: (a) Shall include a method of associating all information on health care costs and services with discrete cases; (b) shall not contain any means of determining the personal identity of any enrollee, provider, or facility; (c) shall only be available for retrieval in original or processed form to public and private requesters; (d) shall be available within a reasonable period of time after the date of request; and (e) shall give strong consideration to data standards that achieve national uniformity.

(3) The cost of retrieving data for state officials and agencies shall be funded through state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(4) All persons subject to this section shall comply with departmental requirements established by rule in the acquisition of data, however, the department shall adopt no rule or effect no policy implementing the provisions of this section without an act of law.

(5) The department shall submit developed health care data standards to the appropriate committees of the legislature by December 31, 1995.

[1997 c 274 § 2; 1995 c 267 § 2.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.060 Duties of department--Promotion of health care cost-effectiveness.

Applicable Cases

It is the intent of the legislature to promote appropriate use of health care resources to

maximize access to adequate health care services. The legislature understands that the rapidly increasing costs of health care are limiting access to care. To promote health care cost-effectiveness, the department shall:

- (1) Implement the certificate of need program;
- (2) Monitor and evaluate health care costs;
- (3) Evaluate health services and the utilization of services for outcome and effectiveness;

and

(4) Recommend strategies to encourage adequate and cost-effective services and discourage ineffective services.

[1989 1st ex.s. c 9 § 108.]

RCW 43.70.064 Health care quality--Findings and intent--Requirements for conducting study under RCW 43.70.066.

Applicable Cases

The legislature finds that it is difficult for consumers of health care services to determine the quality of health care prior to purchase or utilization of medical care. The legislature also finds that accountability is a key component in promoting quality assurance and quality improvement throughout the health care delivery system, including public programs. Quality assurance and improvement standards are necessary to promote the public interest, contribute to cost efficiencies, and improve the ability of consumers to ascertain quality health care purchases.

The legislature intends to have consumers, health carriers, health care providers and facilities, and public agencies participate in the development of quality assurance and improvement standards that can be used to develop a uniform quality assurance program for use by all public and private health plans, providers, and facilities. To that end, in conducting the study required under RCW 43.70.066, the department of health shall:

(1) Consider the needs of consumers, employers, health care providers and facilities, and public and private health plans;

(2) Take full advantage of existing national standards of quality assurance to extend to middle-income populations the protections required for state management of health programs for low-income populations;

(3) Consider the appropriate minimum level of quality assurance standards that should be disclosed to consumers and employers by health care providers and facilities, and public and private health plans; and

(4) Consider standards that permit health care providers and facilities to share responsibility for participation in a uniform quality assurance program.

[1995 c 267 § 3.]

Notes:

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.066 Study--Uniform quality assurance and improvement program--Reports to legislature--Limitation on rule making.

Applicable Cases

(1) The department of health shall study the feasibility of a uniform quality assurance and improvement program for use by all public and private health plans and health care providers and facilities. In this study, the department shall consult with:

- (a) Public and private purchasers of health care services;
- (b) Health carriers;
- (c) Health care providers and facilities; and
- (d) Consumers of health services.

(2) In conducting the study, the department shall propose standards that meet the needs of affected persons and organizations, whether public or private, without creation of differing levels of quality assurance. All consumers of health services should be afforded the same level of quality assurance.

(3) At a minimum, the study shall include but not be limited to the following program components and indicators appropriate for consumer disclosure:

- (a) Health care provider training, credentialing, and licensure standards;
- (b) Health care facility credentialing and recredentialing;
- (c) Staff ratios in health care facilities;
- (d) Annual mortality and morbidity rates of cases based on a defined set of procedures performed or diagnoses treated in health care facilities, adjusted to fairly consider variable factors such as patient demographics and case severity;
- (e) The average total cost and average length of hospital stay for a defined set of procedures and diagnoses;
- (f) The total number of the defined set of procedures, by specialty, performed by each physician at a health care facility within the previous twelve months;
- (g) Utilization performance profiles by provider, both primary care and specialty care, that have been adjusted to fairly consider variable factors such as patient demographics and severity of case;
- (h) Health plan fiscal performance standards;
- (i) Health care provider and facility recordkeeping and reporting standards;
- (j) Health care utilization management that monitors trends in health service underutilization, as well as overutilization of services;
- (k) Health monitoring that is responsive to consumer, purchaser, and public health assessment needs; and
- (l) Assessment of consumer satisfaction and disclosure of consumer survey results.

(4) In conducting the study, the department shall develop standards that permit each health care facility, provider group, or health carrier to assume responsibility for and determine the physical method of collection, storage, and assimilation of quality indicators for consumer disclosure. The study may define the forms, frequency, and posting requirements for disclosure of information.

In developing proposed standards under this subsection, the department shall identify options that would minimize provider burden and administrative cost resulting from duplicative

private sector data submission requirements.

(5) The department shall submit a preliminary report to the legislature by December 31, 1995, including recommendations for initial legislation pursuant to subsection (6) of this section, and may submit supplementary reports and recommendations as completed, consistent with appropriated funds and staffing.

(6) The department shall not adopt any rule implementing the uniform quality assurance program or consumer disclosure provisions unless expressly directed to do so by an act of law.

[1998 c 245 § 72; 1997 c 274 § 3; 1995 c 267 § 4.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.068 Quality assurance--Interagency cooperation.

Applicable Cases

The department of health, the health care authority, the department of social and health services, the office of the insurance commissioner, and the department of labor and industries shall form an interagency group for coordination and consultation on quality assurance activities and collaboration on final recommendations for the study required under RCW 43.70.066.

[1997 c 274 § 4; 1995 c 267 § 5.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.70.070 Duties of department--Analysis of health services.

Applicable Cases

The department shall evaluate and analyze readily available data and information to determine the outcome and effectiveness of health services, utilization of services, and payment methods. This section should not be construed as allowing the department access to proprietary information.

(1) The department shall make its evaluations available to the board for use in preparation of the state health report required by RCW 43.20.050, and to consumers, purchasers, and providers of health care.

(2) The department shall use the information to:

(a) Develop guidelines which may be used by consumers, purchasers, and providers of health care to encourage necessary and cost-effective services; and

(b) Make recommendations to the governor on how state government and private purchasers may be prudent purchasers of cost-effective, adequate health services.

[1995 c 269 § 2202; 1989 1st ex.s. c 9 § 109.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.70.075 Identity of whistleblower protected--Remedy for retaliatory action--Definitions--Rules.

Applicable Cases

(1) The identity of a whistleblower who complains, in good faith, to the department of health about the improper quality of care by a health care provider, or in a health care facility, as defined in *RCW 43.72.010, shall remain confidential. The provisions of RCW 4.24.500 through 4.24.520, providing certain protections to persons who communicate to government agencies, shall apply to complaints filed under this section. The identity of the whistleblower shall remain confidential unless the department determines that the complaint was not made in good faith. An employee who is a whistleblower, as defined in this section, and who as a result of being a whistleblower has been subjected to workplace reprisal or retaliatory action has the remedies provided under chapter 49.60 RCW.

(2)(a) "Improper quality of care" means any practice, procedure, action, or failure to act that violates any state law or rule of the applicable state health licensing authority under Title 18 or chapters 70.41, 70.96A, 70.127, 70.175, 71.05, 71.12, and 71.24 RCW, and enforced by the department of health. Each health disciplinary authority as defined in RCW 18.130.040 may, with consultation and interdisciplinary coordination provided by the state department of health, adopt rules defining accepted standards of practice for their profession that shall further define improper quality of care. Improper quality of care shall not include good faith personnel actions related to employee performance or actions taken according to established terms and conditions of employment.

(b) "Reprisal or retaliatory action" means but is not limited to: Denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unwarranted and unsubstantiated report of misconduct pursuant to Title 18 RCW; letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; suspension; dismissal; denial of employment; and a supervisor or superior encouraging coworkers to behave in a hostile manner toward the whistleblower.

(c) "Whistleblower" means a consumer, employee, or health care professional who in good faith reports alleged quality of care concerns to the department of health.

(3) Nothing in this section prohibits a health care facility from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in workplace reprisal or retaliatory action against a whistleblower.

(4) The department shall adopt rules to implement procedures for filing, investigation, and resolution of whistleblower complaints that are integrated with complaint procedures under Title 18 RCW for health professionals or health care facilities.

[1995 c 265 § 19.]

Notes:

***Reviser's note:** RCW 43.72.010 was repealed by 1995 c 265 § 27. RCW 48.43.005 was enacted by chapter 265, Laws of 1995, and includes a definition of "health care facility."

Captions not law--Effective dates--Savings--Severability--1995 c 265: See notes following RCW 70.47.015.

RCW 43.70.080 Transfer of powers and duties from the department of social and health services.

Applicable Cases

The powers and duties of the department of social and health services and the secretary of social and health services under the following statutes are hereby transferred to the department of health and the secretary of health: Chapters 16.70, 18.20, 18.46, 18.71, 18.73, 18.76, 69.30, 70.28, 70.30, *70.32, *70.33, 70.50, 70.58, 70.62, 70.83, **70.83B, 70.90, 70.98, 70.104, 70.116, 70.118, 70.119, 70.119A, 70.121, 70.127, 70.142, and 80.50 RCW. More specifically, the following programs and services presently administered by the department of social and health services are hereby transferred to the department of health:

(1) Personal health and protection programs and related management and support services, including, but not limited to: Immunizations; tuberculosis; sexually transmitted diseases; AIDS; diabetes control; primary health care; cardiovascular risk reduction; kidney disease; regional genetic services; newborn metabolic screening; sentinel birth defects; cytogenetics; communicable disease epidemiology; and chronic disease epidemiology;

(2) Environmental health protection services and related management and support services, including, but not limited to: Radiation, including x-ray control, radioactive materials, uranium mills, low-level waste, emergency response and reactor safety, and environmental radiation protection; drinking water; toxic substances; on-site sewage; recreational water contact facilities; food services sanitation; shellfish; and general environmental health services, including schools, vectors, parks, and camps;

(3) Public health laboratory;

(4) Public health support services, including, but not limited to: Vital records; health data; local public health services support; and health education and information;

(5) Licensing and certification services including, but not limited to: Health and personal care facility survey, construction review, emergency medical services, laboratory quality assurance, and accommodations surveys; and

(6) Effective January 1, 1991, parent and child health services and related management support services, including, but not limited to: Maternal and infant health; child health; parental health; nutrition; handicapped children's services; family planning; adolescent pregnancy services; high priority infant tracking; early intervention; parenting education; prenatal regionalization; and power and duties under RCW 43.20A.635. The director of the office of financial management may recommend to the legislature a delay in this transfer, if it is determined that this time frame is not adequate.

[1989 1st ex.s. c 9 § 201.]

Notes:

Reviser's note: *(1) Chapters 70.32 and 70.33 RCW were repealed and/or recodified in their entirety pursuant to 1999 c 172.

** (2) Chapter 70.83B RCW expired June 30, 1993, pursuant to 1988 c 276 § 12.

RCW 43.70.090 Authority to administer oaths and issue subpoenas--Provisions governing subpoenas.

Applicable Cases

(1) The secretary shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the secretary together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by RCW 34.05.588(1).

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by RCW 34.05.588(2).

[1989 1st ex.s. c 9 § 252.]

RCW 43.70.095 Civil fines.

Applicable Cases

This section governs the assessment of a civil fine against a person by the department. This section does not govern actions taken under chapter 18.130 RCW.

(1) The department shall give written notice to the person against whom it assesses a civil fine. The notice shall state the reasons for the adverse action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in an other [another] manner that shows proof of receipt.

(2) Except as otherwise provided in subsection (4) of this section, the civil fine is due and payable twenty-eight days after receipt. The department may make the date the fine is due later than twenty-eight days after receipt. When the department does so, it shall state the effective date in the written notice given the person against whom it assesses the fine.

(3) The person against whom the department assesses a civil fine has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the fine, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the person's receiving the notice of civil fine, and be served in a manner which shows proof of receipt.

(4) If the person files a timely and sufficient appeal, the department shall not implement the action until the final order has been served. The presiding or reviewing officer may permit the department to implement part or all of the action while the proceedings are pending if the appellant causes an unreasonable delay in the proceedings or for other good cause.

[1991 c 3 § 378.]

RCW 43.70.097 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Applicable Cases

Enforcement action taken after July 23, 1995, by the director or the department shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 626.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.70.100 Reports of violations by secretary--Duty to institute proceedings--Notice to alleged violator.

Applicable Cases

(1) It shall be the duty of each assistant attorney general, prosecuting attorney, or city attorney to whom the secretary reports any violation of chapter 43.20 or 43.70 RCW, or regulations promulgated under them, to cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of chapter 43.20 or 43.70 RCW is reported by the secretary to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his or her views to the secretary, either orally or in writing, with regard to such contemplated proceeding.

[1989 1st ex.s. c 9 § 262.]

RCW 43.70.110 License fees--Exemption--Waiver.

Applicable Cases

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

[1993 sp.s. c 24 § 918; 1989 1st ex.s. c 9 § 263.]

Notes:

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

RCW 43.70.115 Licenses--Denial, suspension, revocation, modification.

Applicable Cases

This section governs the denial of an application for a license or the suspension, revocation, or modification of a license by the department. This section does not govern actions taken under chapter 18.130 RCW.

(1) The department shall give written notice of the denial of an application for a license to the applicant or his or her agent. The department shall give written notice of revocation, suspension, or modification of a license to the licensee or his or her agent. The notice shall state the reasons for the action. The notice shall be personally served in the manner of service of a summons in a civil action or shall be given in another manner that shows proof of receipt.

(2) Except as otherwise provided in this subsection and in subsection (4) of this section, revocation, suspension, or modification is effective twenty-eight days after the licensee or the agent receives the notice.

(a) The department may make the date the action is effective later than twenty-eight days after receipt. If the department does so, it shall state the effective date in the written notice given to the licensee or agent.

(b) The department may make the date the action is effective sooner than twenty-eight days after receipt when necessary to protect the public health, safety, or welfare. When the department does so, it shall state the effective date and the reasons supporting the effective date in the written notice given to the licensee or agent.

(c) When the department has received certification pursuant to chapter 74.20A RCW from the department of social and health services that the licensee is a person who is not in compliance with a child support order or *an order from a court stating that the licensee is in noncompliance with a residential or visitation order under chapter 26.09 RCW, the department shall provide that the suspension is effective immediately upon receipt of the suspension notice by the licensee.

(3) Except for licensees suspended for noncompliance with a child support order under chapter 74.20A RCW or noncompliance with a residential or visitation order under *chapter 26.09 RCW, a license applicant or licensee who is aggrieved by a department denial, revocation, suspension, or modification has the right to an adjudicative proceeding. The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW. The application must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of the license applicant's or licensee's receiving the adverse notice, and be served in a manner that shows proof of receipt.

(4)(a) If the department gives a licensee twenty-eight or more days notice of revocation, suspension, or modification and the licensee files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for

other good cause.

(b) If the department gives a licensee less than twenty-eight days notice of revocation, suspension, or modification and the licensee timely files a sufficient appeal, the department may implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause.

[1997 c 58 § 843; 1991 c 3 § 377.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 43.70.120 Federal programs--Rules--Statutes to be construed to meet federal law.

Applicable Cases

In furtherance of the policy of this state to cooperate with the federal government in the public health programs, the department of health shall adopt such rules and regulations as may become necessary to entitle this state to participate in federal funds unless the same be expressly prohibited by law. Any section or provision of the public health laws of this state which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal funds for the various programs of public health.

[1989 1st ex.s. c 9 § 264.]

RCW 43.70.130 Powers and duties of secretary--General.

Applicable Cases

The secretary of health shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report the findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules, regulations, and orders of the state board of health;

(4) Enforce the public health laws of the state and the rules and regulations promulgated by the department or the board of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is

unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the secretary of the department of health by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county;

(5) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(6) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of health;

(7) Have the same authority as local health officers, except that the secretary shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it, or by agreement with the local health officer or local board of health;

(8) Cause to be made from time to time, personal health and sanitation inspections at state owned or contracted institutions and facilities to determine compliance with sanitary and health care standards as adopted by the department, and require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report the findings to the governor;

(9) Review and approve plans for public water system design, engineering, operation, maintenance, financing, and emergency response, as required under state board of health rules;

(10) Take such measures as the secretary deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in programs related to or part of the public health programs of the local health departments or the state department of health. The secretary is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds; and

(11) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department.

[1990 c 132 § 2; 1989 1st ex.s. c 9 § 251; 1985 c 213 § 2; 1979 c 141 § 46; 1967 ex.s. c 102 § 1; 1965 c 8 § 43.20.010. Prior: (i) 1909 c 208 § 2; RRS § 6004. (ii) 1921 c 7 § 59; RRS § 10817. Formerly RCW 43.20A.600 and 43.20.010.]

Notes:

Legislative findings--Severability--1990 c 132: See note following RCW 43.20.240.

Savings--Effective date--1985 c 213: See notes following RCW 43.20.050.

Severability--1967 ex.s. c 102: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 102 § 13.]

Public water systems--Complaint process: RCW 43.20.240.

RCW 43.70.140 Annual conference of health officers.

Applicable Cases

In order to receive the assistance and advice of local health officers in carrying out the secretary's duties and responsibilities, the secretary of health shall hold annually a conference of local health officers, at such place as the secretary deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the secretary deems necessary.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his or her actual and necessary traveling expenses, to be paid by his or her county, district, and municipality or county-city department. No claim for such expenses shall be allowed or paid unless it is accompanied by a certificate from the secretary of health attesting the attendance of the claimant.

[1989 1st ex.s. c 9 § 253; 1979 c 141 § 50; 1967 ex.s. c 102 § 10; 1965 c 8 § 43.20.060. Prior: 1915 c 75 § 1; RRS § 6005. Formerly RCW 43.20A.615 and 43.20.060.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.150 Registration of vital statistics.

Applicable Cases

The secretary of health shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

[1989 1st ex.s. c 9 § 254; 1979 c 141 § 51; 1967 c 26 § 1; 1965 c 8 § 43.20.070. Prior: 1907 c 83 § 1; RRS § 6018. Formerly RCW 43.20A.620 and 43.20.070.]

Notes:

Effective date--1967 c 26: "This act shall take effect on January 1, 1968." [1967 c 26 § 12.]

Vital statistics: Chapter 70.58 RCW.

RCW 43.70.160 Duties of registrar.

Applicable Cases

The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of Title 70 RCW; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. The state registrar shall carefully examine the certificates received monthly from the local registrars, county auditors, and clerks of the court and, if any are incomplete or unsatisfactory, the state registrar shall require such further information to be furnished as may be

necessary to make the record complete and satisfactory, and shall cause such further information to be incorporated in or attached to and filed with the certificate. The state registrar shall furnish, arrange, bind, and make a permanent record of the certificate in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, fetal deaths, marriages, and decrees of divorce, annulment and separate maintenance registered.

[1989 1st ex.s. c 9 § 255; 1967 c 26 § 2; 1965 c 8 § 43.20.080. Prior: 1961 ex.s. c 5 § 2; 1951 c 106 § 1; 1915 c 180 § 9; 1907 c 83 § 17; RRS § 6034. Formerly RCW 43.20A.625 and 43.20.080.]

Notes:

Effective date--1967 c 26: See note following RCW 43.70.150.

Vital statistics: Chapter 70.58 RCW.

RCW 43.70.170 Threat to public health--Investigation, examination or sampling of articles or conditions constituting--Access--Subpoena power.

Applicable Cases

The secretary on his or her own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the secretary or the secretary's authorized representative may examine that portion of the ledgers, books, accounts, memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the secretary or the secretary's representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The secretary may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, as provided for in RCW 43.70.090 or the production of books and documents anywhere in the state.

[1989 1st ex.s. c 9 § 256; 1979 c 141 § 53; 1967 ex.s. c 102 § 3. Formerly RCW 43.20A.640 and 43.20.150.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.180 Threat to public health--Order prohibiting sale or disposition of food or other items pending investigation.

Applicable Cases

Pending the results of an investigation provided for under RCW 43.70.170, the secretary may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation. The order of the secretary shall not be effective for more than fifteen days without the commencement of a legal action as provided for under RCW 43.70.190.

[1989 1st ex.s. c 9 § 257; 1979 c 141 § 54; 1967 ex.s. c 102 § 4. Formerly RCW 43.20A.645 and 43.20.160.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.185 Inspection of property where marine species located--Prohibitions on harvest or landing--Penalties.

Applicable Cases

(1) The department may enter and inspect any property, lands, or waters, of this state in or on which any marine species are located or from which such species are harvested, whether recreationally or for sale or barter, and any land or water of this state which may cause or contribute to the pollution of areas in or on which such species are harvested or processed. The department may take any reasonably necessary samples to determine whether such species or any lot, batch, or quantity of such species is safe for human consumption.

(2) If the department determines that any species or any lot, batch, or other quantity of such species is unsafe for human consumption because consumption is likely to cause actual harm or because consumption presents a potential risk of substantial harm, the department may, by order under chapter 34.05 RCW, prohibit or restrict the commercial or recreational harvest or landing of any marine species except the recreational harvest of shellfish as defined in chapter 69.30 RCW if taken from privately owned tidelands.

(3) It is unlawful to harvest any marine species in violation of a departmental order prohibiting or restricting such harvest under this section or to possess or sell any marine species so harvested.

(4) Any person who sells any marine species taken in violation of this section is subject to the penalties provided in RCW 69.30.140 and 69.30.150. Any person who harvests or possesses marine species taken in violation of this section is guilty of a civil infraction and is subject to the penalties provided in RCW 69.30.150. Notwithstanding this section, any person who harvests, possesses, sells, offers to sell, culls, shucks, or packs shellfish is subject to the penalty provisions of chapter 69.30 RCW. Charges shall not be brought against a person under both chapter 69.30 RCW and this section in connection with this same action, incident, or event.

(5) The criminal provisions of this section are subject to enforcement by fish and wildlife enforcement officers or ex officio fish and wildlife enforcement patrol officers as defined in *RCW 75.08.011.

(6) As used in this section, marine species include all fish, invertebrate or plant species which are found during any portion of the life cycle of those species in the marine environment.

[1995 c 147 § 7.]

Notes:

***Reviser's note:** RCW 75.08.011 defines "fisheries patrol officer" and "ex officio fisheries patrol officer."

RCW 43.70.190 Violations--Injunctions and legal proceedings authorized.

Applicable Cases

The secretary of health or local health officer may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules or regulation made by the state board of health or the department of health pursuant to said laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county. Upon the filing of any action, the court may, upon a showing of an immediate and serious danger to residents constituting an emergency, issue a temporary injunctive order ex parte.

[1990 c 133 § 3; 1989 1st ex.s. c 9 § 258; 1979 c 141 § 55; 1967 ex.s. c 102 § 5. Formerly RCW 43.20A.650 and 43.20.170.]

Notes:

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.195 Public water systems--Receivership actions brought by secretary--Plan for disposition.

Applicable Cases

(1) In any action brought by the secretary of health or by a local health officer pursuant to chapter 7.60 RCW to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. The department shall maintain a list of interested and qualified individuals, municipal entities, special purpose districts, and investor-owned water companies with experience in the provision of water service and a history of satisfactory operation of a water system. If there is no other person willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver. The county may designate a county agency to operate the system, or it may contract with another individual or public water system to provide management for the system. If the county is appointed as receiver, the secretary of health and the county health officer shall provide regulatory oversight for the agency or other person responsible for managing the water system.

(2) In any petition for receivership under subsection (1) of this section, the department shall recommend that the court grant to the receiver full authority to act in the best interests of the customers served by the public water system. The receiver shall assess the capability, in conjunction with the department and local government, for the system to operate in compliance with health and safety standards, and shall report to the court and the petitioning agency its recommendations for the system's future operation, including the formation of a water-sewer district or other public entity, or ownership by another existing water system capable of providing service.

(3) If a petition for receivership and verifying affidavit executed by an appropriate departmental official allege an immediate and serious danger to residents constituting an emergency, the court shall set the matter for hearing within three days and may appoint a

temporary receiver ex parte upon the strength of such petition and affidavit pending a full evidentiary hearing, which shall be held within fourteen days after receipt of the petition.

(4) A bond, if any is imposed upon a receiver, shall be minimal and shall reasonably relate to the level of operating revenue generated by the system. Any receiver appointed pursuant to this section shall not be held personally liable for any good faith, reasonable effort to assume possession of, and to operate, the system in compliance with the court's orders.

(5) The court shall authorize the receiver to impose reasonable assessments on a water system's customers to recover expenditures for improvements necessary for the public health and safety.

(6) No later than twelve months after appointment of a receiver, the petitioning agency, in conjunction with the county in which the system is located, and the appropriate state and local health agencies, shall develop and present to the court a plan for the disposition of the system. The report shall include the recommendations of the receiver made pursuant to subsection (2) of this section. The report shall include all reasonable and feasible alternatives. After receiving the report, the court shall provide notice to interested parties and conduct such hearings as are necessary. The court shall then order the parties to implement one of the alternatives, or any combination thereof, for the disposition of the system. Such order shall include a date, or proposed date, for the termination of the receivership. Nothing in this section authorizes a court to require a city, town, public utility district, water-sewer district, or irrigation district to accept a system that has been in receivership unless the city, town, public utility district, water-sewer district, or irrigation district agrees to the terms and conditions outlined in the plan adopted by the court.

(7) The court shall not terminate the receivership, and order the return of the system to the owners, unless the department of health approves of such an action. The court may impose reasonable conditions upon the return of the system to the owner, including the posting of a bond or other security, routine performance and financial audits, employment of qualified operators and other staff or contracted services, compliance with financial viability requirements, or other measures sufficient to ensure the ongoing proper operation of the system.

(8) If, as part of the ultimate disposition of the system, an eminent domain action is commenced by a public entity to acquire the system, the court shall oversee any appraisal of the system conducted under Title 7 RCW to assure that the appraised value properly reflects any reduced value because of the necessity to make improvements to the system. The court shall have the authority to approve the appraisal, and to modify it based on any information provided at an evidentiary hearing. The court's determination of the proper value of the system, based on the appraisal, shall be final, and only appealable if not supported by substantial evidence. If the appraised value is appealed, the court may order that the system's ownership be transferred upon payment of the approved appraised value.

[1999 c 153 § 57; 1994 c 292 § 3; 1990 c 133 § 4.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

Findings--Intent--1994 c 292: See note following RCW 57.04.050.

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.70.200 Enforcement of health laws and state or local rules and regulations upon request of local health officer.

Applicable Cases

Upon the request of a local health officer, the secretary of health is hereby authorized and empowered to take legal action to enforce the public health laws and rules and regulations of the state board of health or local rules and regulations within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state of Washington, including a proceeding under Title 7 RCW.

[1990 c 133 § 5; 1989 1st ex.s. c 9 § 259; 1979 c 141 § 56; 1967 ex.s. c 102 § 6. Formerly RCW 43.20A.655 and 43.20.180.]

Notes:

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

RCW 43.70.210 Right of person to rely on prayer to alleviate ailments not abridged.

Applicable Cases

Nothing in chapter 43.20 or 43.70 RCW, or RCW 43.70.120 shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in chapters 43.20, 43.70 RCW, or RCW 43.70.120 be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with.

[1989 1st ex.s. c 9 § 260; 1979 c 141 § 59; 1967 ex.s. c 102 § 14. Formerly RCW 43.20A.665 and 43.20.210.]

Notes:

Severability--1967 ex.s. c 102: See note following RCW 43.70.130.

Prayer: RCW 18.50.030, 70.127.040, 70.128.170, 71.05.070, 74.09.190.

RCW 43.70.220 Transfer of powers and duties from the department of licensing.

Applicable Cases

The powers and duties of the department of licensing and the director of licensing under the following statutes are hereby transferred to the department of health and the secretary of health: Chapters 18.06, 18.19, 18.22, 18.25, 18.29, 18.32, 18.34, 18.35, 18.36A, 18.50, 18.52, 18.52C, 18.53, 18.54, 18.55, 18.57, 18.57A, 18.59, 18.71, 18.71A, 18.74, 18.83, 18.84, 18.79, 18.89, 18.92, 18.108, 18.135, and 18.138 RCW. More specifically, the health professions regulatory programs and services presently administered by the department of licensing are hereby transferred to the department of health.

[1994 sp.s. c 9 § 727; 1989 1st ex.s. c 9 § 301.]

Notes:

Severability--Headings and captions not law--Effective date--1994 sp.s. c 9: See RCW 18.79.900 through 18.79.902.

RCW 43.70.230 Office of health consumer assistance created--Duties.

Applicable Cases

There is created in the department an office of health consumer assistance. The office shall establish a state-wide hot line and shall assist and serve as an advocate for consumers who are complainants or witnesses in a licensing or disciplinary proceeding.

[1989 1st ex.s. c 9 § 303.]

RCW 43.70.240 Written operating agreements.

Applicable Cases

The secretary and each of the professional licensing and disciplinary boards under the administration of the department shall enter into written operating agreements on administrative procedures with input from the regulated profession and the public. The intent of these agreements is to provide a process for the department to consult each board on administrative matters and to ensure that the administration and staff functions effectively enable each board to fulfill its statutory responsibilities. The agreements shall include, but not be limited to, the following provisions:

- (1) Administrative activities supporting the board's policies, goals, and objectives;
- (2) Development and review of the agency budget as it relates to the board; and
- (3) Board related personnel issues.

The agreements shall be reviewed and revised in like manner if appropriate at the beginning of each fiscal year, and at other times upon written request by the secretary or the board.

[1998 c 245 § 73; 1989 1st ex.s. c 9 § 304.]

RCW 43.70.250 License fees for professions, occupations, and businesses.

Applicable Cases

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

[1996 c 191 § 1; 1989 1st ex.s. c 9 § 319.]

RCW 43.70.260 Appointment of temporary additional members of boards and committees for administration and grading of examinations.

Applicable Cases

The secretary may, at the request of a board or committee established under Title 18 RCW under the administrative authority of the department of health, appoint temporary additional members for the purpose of participating as members during the administration and grading of practical examinations for licensure, certification, or registration. The appointment shall be for the duration of the examination specified in the request. Individuals so appointed must meet the same minimum qualifications as regular members of the board or committee, including the requirement to be licensed, certified, or registered. While serving as board or committee members, persons so appointed have all the powers, duties, and immunities and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular members of the board or committee. This authority is intended to provide for more efficient, economical, and effective examinations.

[1989 1st ex.s. c 9 § 320.]

RCW 43.70.270 License moratorium for persons in the service.

Applicable Cases

Notwithstanding any provision of law to the contrary, the license of any person licensed by the secretary of health to practice a profession or engage in an occupation, if valid and in force and effect at the time the licensee entered service in the armed forces or the merchant marine of the United States, shall continue in full force and effect so long as such service continues, unless sooner suspended, canceled, or revoked for cause as provided by law. The secretary shall renew the license of every such person who applies for renewal thereof within six months after being honorably discharged from service upon payment of the renewal fee applicable to the then current year or other license period.

[1989 1st ex.s. c 9 § 321.]

RCW 43.70.280 Procedure for issuance, renewal, or reissuance of credentials--Extension or modification of licensing, certification, or registration period authorized.

Applicable Cases

(1) The secretary, in consultation with health profession boards and commissions, shall establish by rule the administrative procedures, administrative requirements, and fees for initial issue, renewal, and reissue of a credential for professions under RCW 18.130.040, including procedures and requirements for late renewals and uniform application of late renewal penalties. Failure to renew invalidates the credential and all privileges granted by the credential. Administrative procedures and administrative requirements do not include establishing, monitoring, and enforcing qualifications for licensure, scope or standards of practice, continuing competency mechanisms, and discipline when such authority is authorized in statute to a health

profession board or commission. For the purposes of this section, "in consultation with" means providing an opportunity for meaningful participation in development of rules consistent with processes set forth in RCW 34.05.310.

(2) Notwithstanding any provision of law to the contrary which provides for a licensing period for any type of license subject to this chapter including those under RCW 18.130.040, the secretary of health may, from time to time, extend or otherwise modify the duration of any licensing, certification, or registration period, whether an initial or renewal period, if the secretary determines that it would result in a more economical or efficient operation of state government and that the public health, safety, or welfare would not be substantially adversely affected thereby. However, no license, certification, or registration may be issued or approved for a period in excess of four years, without renewal. Such extension, reduction, or other modification of a licensing, certification, or registration period shall be by rule or regulation of the department of health adopted in accordance with the provisions of chapter 34.05 RCW. Such rules and regulations may provide a method for imposing and collecting such additional proportional fee as may be required for the extended or modified period.

[1999 c 34 § 1; 1998 c 29 § 1; 1996 c 191 § 2; 1989 1st ex.s. c 9 § 322.]

RCW 43.70.290 Funeral directors and embalmers subject to chapter 18.130 RCW.

Applicable Cases

Funeral directors and embalmers, licensed under chapter 18.39 RCW, are subject to the provisions of chapter 18.130 RCW under the administration of the department of licensing. The department of licensing shall review the statutes authorizing the regulation of funeral directors and embalmers, and recommend any changes necessary by January 1, 1990.

[1989 1st ex.s. c 9 § 323.]

RCW 43.70.300 Secretary or secretary's designee ex officio member of health professional licensure and disciplinary boards.

Applicable Cases

In order to provide liaison with the department of health, provide continuity between changes in board membership, achieve uniformity as appropriate in licensure or regulated activities under the jurisdiction of the department, and to better represent the public interest, the secretary, or a designee appointed by the secretary, shall serve as an ex officio member of every health professional licensure or disciplinary board established under Title 18 RCW under the administrative authority of the department of health. The secretary shall have no vote unless otherwise authorized by law.

[1989 1st ex.s. c 9 § 318; 1983 c 168 § 11. Formerly RCW 43.24.015.]

Notes:

Severability--1983 c 168: See RCW 18.120.910.

RCW 43.70.310 Cooperation with department of ecology.

Applicable Cases

Where feasible, the department and the state board of health shall consult with the department of ecology in order that, to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common.

[1987 c 109 § 25; 1970 ex.s. c 18 § 12. Formerly RCW 43.20A.140.]

Notes:

Purpose--Short title--Construction--Rules--Severability--Captions--1987 c 109: See notes following RCW 43.21B.001.

RCW 43.70.320 Health professions account--Fees credited--Requirements for biennial budget request.

Applicable Cases

(1) There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations and the civil penalties assessed and collected by the department under RCW 18.130.190 shall be forwarded to the state treasurer who shall credit such moneys to the health professions account.

(2) All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(3) The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

[1993 c 492 § 411; 1991 sp.s. c 13 § 18; 1991 c 3 § 299; 1985 c 57 § 29; 1983 c 168 § 5. Formerly RCW 43.24.072.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1983 c 168: See RCW 18.120.910.

RCW 43.70.325 Rural health access account.

Applicable Cases

The rural health access account is created in the custody of the state treasurer. The account may receive moneys through gift, grant, or donation to the state for the purposes of the account. Expenditures from the account may be used only for rural health programs including, but not limited to, those authorized in chapters 70.175 and 70.180 RCW, the health professional and loan repayment programs authorized in chapter 28B.115 RCW, and to make grants to small

or rural hospitals, or rural public hospital districts, for the purpose of developing viable, integrated rural health systems. Only the secretary of health or the secretary's designee may authorize expenditures from the account. No appropriation is required for an expenditure from the account. Any residue in the account shall accumulate in the account and shall not revert to the general fund at the end of the biennium. Costs incurred by the department in administering the account shall be paid from the account.

[1992 c 120 § 1.]

RCW 43.70.334 Temporary worker housing--Definition.

Applicable Cases

For the purposes of RCW 43.70.335, 43.70.337, and 43.70.340, "temporary worker housing" has the same meaning as provided in RCW 70.114A.020.

[1999 c 374 § 9.]

RCW 43.70.335 Temporary worker housing operating license--Fee--Display--Suspension or revocation--Fines--Refunds--Rules--Application of department of labor and industries standards.

Applicable Cases

(1) Any person providing temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person providing temporary worker housing who makes the election to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall secure an annual operating license prior to occupancy and shall pay a fee according to RCW 43.70.340. The license shall be conspicuously displayed on site.

(2) Licenses issued under this chapter may be suspended or revoked upon the failure or refusal of the person providing temporary worker housing to comply with rules adopted under this section or chapter 70.114A RCW by the department. All such proceedings shall be governed by the provisions of chapter 34.05 RCW.

(3) The department may assess a civil fine in accordance with RCW 43.70.095 for failure or refusal to obtain a license prior to occupancy of temporary worker housing. The department may refund all or part of the civil fine collected once the operator obtains a valid operating license.

(4) Civil fines under this section shall not exceed twice the cost of the license plus the cost of the initial on-site inspection for the first violation of this section, and shall not exceed ten times the cost of the license plus the cost of the initial on-site inspection for second and subsequent violations within any five-year period. The department may adopt rules as necessary to assure compliance with this section.

[1999 c 374 § 10; 1998 c 37 § 5.]

RCW 43.70.337 Temporary worker housing building permit--Plans and specifications--Fees--Rules.

Applicable Cases

(1) Any person who constructs, alters, or makes an addition to temporary worker housing consisting of five or more dwelling units, or any combination of dwelling units, dormitories, or spaces that house ten or more occupants, or any person who constructs, alters, or makes an addition to temporary worker housing who elects to comply with the temporary worker building code under RCW 70.114A.081(1)(g), shall:

(a) Submit plans and specifications for the alteration, addition, or new construction of this housing prior to beginning any alteration, addition, or new construction on this housing;

(b) Apply for and obtain a temporary worker housing building permit from the department prior to construction or alteration of this housing; and

(c) Submit a plan review and permit fee to the department of health pursuant to RCW 43.70.340.

(2) The department shall adopt rules as necessary, for the application procedures for the temporary worker housing plan review and permit process.

(3) Any alteration of a manufactured structure to be used for temporary worker housing remains subject to chapter 43.22 RCW, and the rules adopted under chapter 43.22 RCW.

[1998 c 37 § 6.]

RCW 43.70.340 Temporary worker housing inspection fund--Fees on temporary worker housing operating licenses and building permits--Licenses generally.

Applicable Cases

(1) The temporary worker housing fund is established in the custody of the state treasury. The department shall deposit all funds received under subsections (2) and (3) of this section and from the legislature to administer a temporary worker housing permitting, licensing, and inspection program conducted by the department. Disbursement from the fund shall be on authorization of the secretary of health or the secretary's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) There is imposed a fee on each operating license issued by the department to every operator of temporary worker housing that is regulated by the state board of health. In establishing the fee to be paid under this subsection the department shall consider the cost of administering a license as well as enforcing applicable state board of health rules on temporary worker housing.

(3) There is imposed a fee on each temporary worker housing building permit issued by the department to every operator of temporary worker housing as required by RCW 43.70.337. The fee shall include the cost of administering a permit as well as enforcing the department's temporary worker building code as adopted under RCW 70.114A.081.

(4) The department shall conduct a fee study for:

(a) A temporary worker housing operator's license;

(b) On-site inspections; and

(c) A plan review and building permit for new construction.

After completion of the study, the department shall adopt these fees by rule by no later than December 31, 1998.

(5) The term of the operating license and the application procedures shall be established, by rule, by the department.

[1998 c 37 § 7; 1990 c 253 § 3.]

Notes:

Legislative finding and purpose--1990 c 253: "The legislature finds that the demand for housing for migrant and seasonal farmworkers far exceeds the supply of adequate housing in the state of Washington. In addition, increasing numbers of these housing units are in deteriorated condition because they cannot be economically maintained and repaired.

The legislature further finds that the lack of a clear program for the regulation and inspection of farmworker housing has impeded the construction and renovation of housing units in this state.

It is the purpose of this act for the various agencies involved in the regulation of farmworker housing to coordinate and consolidate their activities to provide for efficient and effective monitoring of farmworker housing. It is intended that this action will provide greater responsiveness in dealing with public concerns over farmworker housing, and allow greater numbers of housing units to be built." [1990 c 253 § 1.]

RCW 43.70.400 Head injury prevention--Legislative finding.

Applicable Cases

The legislature finds that head injury is a major cause of death and disability for Washington citizens. The costs of head injury treatment and rehabilitation are extensive and resultant disabilities are long and indeterminate. These costs are often borne by public programs such as medicaid. The legislature finds further that many such injuries are preventable. The legislature intends to reduce the occurrence of head injury by educating persons whose behavior may place them at risk and by regulating certain activities.

[1990 c 270 § 2.]

RCW 43.70.410 Head injury prevention--Program, generally.

Applicable Cases

As used in RCW 43.70.400 through 43.70.440, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the traffic safety commission, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including, but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or not in use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools,

brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

[1990 c 270 § 3.]

Notes:

Bicycle awareness program: RCW 43.43.390.

RCW 43.70.420 Head injury prevention--Information preparation.

Applicable Cases

The department of health, the department of licensing, and the traffic safety commission shall jointly prepare information for driver license manuals, driver education programs, and driving tests to increase driver awareness of pedestrian safety, to increase driver skills in avoiding pedestrian and motor vehicle accidents, and to determine drivers' abilities to avoid pedestrian motor vehicle accidents.

[1990 c 270 § 4.]

RCW 43.70.430 Head injury prevention--Guidelines on training and education--Training of emergency medical personnel.

Applicable Cases

The department shall prepare guidelines on relevant training and education regarding traumatic brain injury for health and education professionals, and relevant public safety and law enforcement officials. The department shall distribute such guidelines and any recommendations for training or educational requirements for health professionals or educators to the disciplinary authorities governed by chapter 18.130 RCW and to educational service districts established under chapter 28A.310 RCW. Specifically, all emergency medical personnel shall be trained in proper helmet removal.

[1990 c 270 § 6.]

RCW 43.70.440 Head injury prevention act--Short title.

Applicable Cases

*This act shall be known and cited as the Head Injury Prevention Act of 1990.

[1990 c 270 § 1.]

Notes:

***Reviser's note:** "This act" consists of the enactment of RCW 43.70.400 through 43.70.440 and the 1990 c 270 amendments to RCW 46.37.530 and 46.37.535.

RCW 43.70.450 Senior environmental corps--Department powers and duties.

Applicable Cases

(1) The department of health shall have the following powers and duties in carrying out its responsibilities for the senior environmental corps created under RCW 43.63A.247:

Appoint a representative to the coordinating council;

Develop project proposals;

Administer project activities within the agency;

Develop appropriate procedures for the use of volunteers;

Provide project orientation, technical training, safety training, equipment, and supplies to carry out project activities;

Maintain project records and provide project reports;

Apply for and accept grants or contributions for corps approved projects; and

With the approval of the *council, enter into memoranda of understanding and cooperative agreements with federal, state, and local agencies to carry out corps approved projects.

(2) The department shall not use corps volunteers to displace currently employed workers.

[1992 c 63 § 12.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

Severability--1992 c 63: See note following RCW 43.63A.240.

RCW 43.70.460 Retired primary care provider liability malpractice insurance--Program authorized.

Applicable Cases

(1) The department may establish a program to purchase and maintain liability malpractice insurance for retired primary care providers who provide primary health care services at community clinics. The following conditions apply to the program:

(a) Primary health care services shall be provided at community clinics that are public or private tax-exempt corporations;

(b) Primary health care services provided at the clinics shall be offered to low-income patients based on their ability to pay;

(c) Retired primary care providers providing health care services shall not receive compensation for their services; and

(d) The department shall contract only with a liability insurer authorized to offer liability

malpractice insurance in the state.

(2) This section and RCW 43.70.470 shall not be interpreted to require a liability insurer to provide coverage to a primary care provider should the insurer determine that coverage should not be offered to a physician [primary care provider] because of past claims experience or for other appropriate reasons.

(3) The state and its employees who operate the program shall be immune from any civil or criminal action involving claims against clinics or physicians [primary care providers] that provided health care services under this section and RCW 43.70.470. This protection of immunity shall not extend to any clinic or primary care provider participating in the program.

(4) The department may monitor the claims experience of retired physicians [primary care providers] covered by liability insurers contracting with the department.

(5) The department may provide liability insurance under chapter 113, Laws of 1992 only to the extent funds are provided for this purpose by the legislature.

[1993 c 492 § 276; 1992 c 113 § 2.]

Notes:

Finding--1993 c 492: See note following RCW 28B.125.010.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Legislative declaration--1992 c 113: "There are a number of retired physicians who wish to provide, or are providing, health care services to low-income patients without compensation. However, the cost of obtaining malpractice insurance is a burden that is deterring them from donating their time and services in treating the health problems of the poor. The necessity of maintaining malpractice insurance for those in practice is a significant reality in today's litigious society.

A program to alleviate the onerous costs of malpractice insurance for retired physicians providing uncompensated health care services to low-income patients will encourage philanthropy and augment state resources in providing for the health care needs of those who have no access to basic health care services.

An estimated sixteen percent of the nonelderly population do not have health insurance and lack access to even basic health care services. This is especially problematic for low-income persons who are young and who are either unemployed or have entry-level jobs without health care benefits. The majority of the uninsured, however, are working adults, and some twenty-nine percent are children.

The legislature declares that this act will increase the availability of primary care to low-income persons and is in the interest of the public health and safety." [1992 c 113 § 1.]

RCW 43.70.470 Retired primary care provider liability malpractice insurance--Conditions.

Applicable Cases

The department may establish by rule the conditions of participation in the liability insurance program by retired primary care providers at clinics utilizing retired physicians [primary care providers] for the purposes of this section and RCW 43.70.460. These conditions shall include, but not be limited to, the following:

(1) The participating primary care provider associated with the clinic shall hold a valid license to practice as a physician under chapter 18.71 or 18.57 RCW, a naturopath under chapter 18.36A RCW, a physician assistant under chapter 18.71A or 18.57A RCW, an advanced

registered nurse practitioner under *chapter 18.88 RCW, a dentist under chapter 18.32 RCW, or other health professionals as may be deemed in short supply in the health personnel resource plan under chapter 28B.125 RCW. All primary care providers must be in conformity with current requirements for licensure as a retired primary care provider, including continuing education requirements;

(2) The participating primary care provider shall limit the scope of practice in the clinic to primary care. Primary care shall be limited to noninvasive procedures and shall not include obstetrical care, or any specialized care and treatment. Noninvasive procedures include injections, suturing of minor lacerations, and incisions of boils or superficial abscesses. Primary dental care shall be limited to diagnosis, oral hygiene, restoration, and extractions and shall not include orthodontia, or other specialized care and treatment;

(3) The provision of liability insurance coverage shall not extend to acts outside the scope of rendering medical services pursuant to this section and RCW 43.70.460;

(4) The participating primary care provider shall limit the provision of health care services to primarily low-income persons provided that clinics may, but are not required to, provide means tests for eligibility as a condition for obtaining health care services;

(5) The participating primary care provider shall not accept compensation for providing health care services from patients served pursuant to this section and RCW 43.70.460, nor from clinics serving these patients. "Compensation" shall mean any remuneration of value to the participating primary care provider for services provided by the primary care provider, but shall not be construed to include any nominal copayments charged by the clinic, nor reimbursement of related expenses of a participating primary care provider authorized by the clinic in advance of being incurred; and

(6) The use of mediation or arbitration for resolving questions of potential liability may be used, however any mediation or arbitration agreement format shall be expressed in terms clear enough for a person with a sixth grade level of education to understand, and on a form no longer than one page in length.

[1993 c 492 § 277; 1992 c 113 § 3.]

Notes:

***Reviser's note:** Chapter 18.88 RCW was repealed by 1994 sp.s. c 9 § 433, effective July 1, 1994.

Finding--1993 c 492: See note following RCW 28B.125.010.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Legislative declaration--1992 c 113: See note following RCW 43.70.460.

RCW 43.70.480 Emergency medical personnel--Futile treatment and natural death directives.

Applicable Cases

The department of health shall adopt guidelines and protocols for how emergency medical personnel shall respond when summoned to the site of an injury or illness for the treatment of a person who has signed a written directive or durable power of attorney requesting

that he or she not receive futile emergency medical treatment.

[1992 c 98 § 14.]

Notes:

Application--Severability--1992 c 98: See RCW 70.122.915 and 70.122.920.

RCW 43.70.500 Health care services practice indicators and risk management protocols.

Applicable Cases

The department of health shall consult with health care providers and facilities, purchasers, health professional regulatory authorities under RCW 18.130.040, appropriate research and clinical experts, and consumers of health care services to identify specific practice areas where practice indicators and risk management protocols have been developed, including those that have been demonstrated to be effective among persons of color. Practice indicators shall be based upon expert consensus and best available scientific evidence. The department shall:

(1) Develop a definition of expert consensus and best available scientific evidence so that practice indicators can serve as a standard for excellence in the provision of health care services.

(2) Establish a process to identify and evaluate practice indicators and risk management protocols as they are developed by the appropriate professional, scientific, and clinical communities.

(3) Recommend the use of practice indicators and risk management protocols in quality assurance, utilization review, or provider payment to the health services commission.

[1993 c 492 § 410.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 43.70.510 Health care services coordinated quality improvement program--Rules.

Applicable Cases

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care

coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.17.310(1)(hh) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of ten or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. All such programs shall comply with the requirements of RCW 70.41.200(1)(a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.17.310(1)(hh) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality

improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by a quality improvement committee are exempt from disclosure under chapter 42.17 RCW.

(6) The department of health shall adopt rules as are necessary to implement this section.

[1995 c 267 § 7; 1993 c 492 § 417.]

Notes:

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 43.70.520 Public health services improvement plan.

Applicable Cases

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) Timing of increased funding for public health services linked to specific objectives for improving public health; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

[1993 c 492 § 467.]

Notes:

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Additional contents: RCW 43.70.550.

RCW 43.70.525 Immunization assessment and enhancement proposals by local jurisdictions.

Applicable Cases

(1) The department, in conjunction with local health jurisdictions, shall require each local health jurisdiction to submit an immunization assessment and enhancement proposal, consistent with the standards established in the public health [services] improvement plan, to provide immunization protection to the children of the state to further reduce vaccine-preventable diseases.

(2) These plans shall include, but not be limited to:

(a) A description of the population groups in the jurisdiction that are in the greatest need of immunizations;

(b) A description of strategies to use outreach, volunteer, and other local educational resources to enhance immunization rates; and

(c) A description of the capacity required to accomplish the enhancement proposal.

(3) This section shall be implemented consistent with available funding.

(4) The secretary shall report through the public health [services] improvement plan to the health care and fiscal committees of the legislature on the status of the program and progress made toward increasing immunization rates in population groups of greatest need.

[1994 c 299 § 29.]

Notes:

Intent--Finding--Severability--Conflict with federal requirements--1994 c 299: See notes following RCW 74.12.400.

Immunization: RCW 28A.210.060.

RCW 43.70.530 Home visitor program.

Applicable Cases

The department of health, the department of social and health services, the department of community, trade, and economic development, the superintendent of public instruction, and the employment security department shall, collectively and collaboratively, develop a plan for a home health visitor program that shall have as its primary purpose the prevention of child abuse and neglect through the provision of selected educational and supportive services to high risk parents of newborns.

(1) The program shall: (a) Be community-based; (b) include early hospital-based screening to identify high risk parents of newborns; (c) provide for an effective, in-home outreach and support program for high risk parents of newborns that involves: (i) Frequent home visits, (ii) parent training on early childhood development, parenting, and the stress factors that lead to abuse and neglect, and (iii) referrals to needed social and health services; and (d) demonstrate effective coordination among current community-based programs that may also serve high risk parents and their infants, including child abuse prevention programs, first steps, second steps, the early childhood education and assistance program, the healthy kids program, child welfare services, the women, infants, and children program, the high priority infant tracking program, the birth to six program, local and state public health prevention and early intervention services, and other services as identified.

(2) The plan shall: (a) Include an estimate and a description of the high risk groups to be served; (b) detail the screening process and mechanisms to be used to identify high risk parents; (c) detail the services to be included in the in-home program; (d) describe staffing that may include the use of teams of professionals, paraprofessionals, and volunteers; (e) describe how the program will be evaluated, including the measurable outcomes to be achieved; and (f) provide an estimate of the costs to fully implement the program state-wide, and for possible consideration, a series of pilot projects with a phased-in schedule.

[1998 c 245 § 75; 1993 c 179 § 2.]

Notes:

Intent--1993 c 179: "The incidence of child abuse and neglect has reached epidemic proportions in the nation. In Washington state alone, there were sixty-two thousand five hundred reports of child abuse and neglect in 1991. That is one occurrence for every twenty-one children in this state. Research shows that most reported cases of physical abuse and neglect occurs among children under the age of five. Research also shows that child abuse and neglect can be prevented. One of the most effective strategies for preventing child abuse and neglect is to provide parents who are most at risk of abuse, with education and supportive services beginning at the time their infant is born and continuing in the home. Therefore, it is the legislature's intent to develop the home health visitor program in this state." [1993 c 179 § 1.]

Effective date--1993 c 179: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 30, 1993]." [1993 c 179 § 3.]

RCW 43.70.540 Data collection--Legislative finding and intent.

Applicable Cases

The legislature recognizes that the state patrol, the office of the administrator for the courts, the sheriffs' and police chiefs' association, the department of social and health services, the department of community, trade, and economic development, the sentencing guidelines commission, the department of corrections, and the superintendent of public instruction each have comprehensive data and analysis capabilities that have contributed greatly to our current understanding of crime and violence, and their causes.

The legislature finds, however, that a single health-oriented agency must be designated to provide consistent guidelines to all these groups regarding the way in which their data systems collect this important data. It is not the intent of the legislature by RCW 43.70.545 to transfer data collection requirements from existing agencies or to require the addition of major new data systems. It is rather the intent to make only the minimum required changes in existing data systems to increase compatibility and comparability, reduce duplication, and to increase the usefulness of data collected by these agencies in developing more accurate descriptions of violence.

[1995 c 399 § 76; 1994 sp.s. c 7 § 201.]

Notes:

Legislative finding and intent--1994 sp.s. c 7: "The legislature finds that the increasing violence in our society causes great concern for the immediate health and safety of our citizens and our social institutions. Youth violence is increasing at an alarming rate and young people between the ages of fifteen and twenty-four are at the

highest risk of being perpetrators and victims of violence. Additionally, random violence, including homicide and the use of firearms, has dramatically increased over the last decade.

The legislature finds that violence is abhorrent to the aims of a free society and that it cannot be tolerated. State efforts at reducing violence must include changes in criminal penalties, reducing the unlawful use of and access to firearms, increasing educational efforts to encourage nonviolent means for resolving conflicts, and allowing communities to design their prevention efforts.

The legislature finds that the problem of violence can be addressed with many of the same approaches that public health programs have used to control other problems such as infectious disease, tobacco use, and traffic fatalities.

Addressing the problem of violence requires the concerted effort of all communities and all parts of state and local governments. It is the immediate purpose of chapter 7, Laws of 1994 sp. sess. to: (1) Prevent acts of violence by encouraging change in social norms and individual behaviors that have been shown to increase the risk of violence; (2) reduce the rate of at-risk children and youth, as defined in *RCW 70.190.010; (3) increase the severity and certainty of punishment for youth and adults who commit violent acts; (4) reduce the severity of harm to individuals when violence occurs; (5) empower communities to focus their concerns and allow them to control the funds dedicated to empirically supported preventive efforts in their region; and (6) reduce the fiscal and social impact of violence on our society." [1994 sp.s. c 7 § 101.]

***Reviser's note:** The governor vetoed 1994 sp.s. c 7 § 302, which amended RCW 70.190.010 to define "at-risk children and youth." RCW 70.190.010 was subsequently amended by 1996 c 132 § 2, which now includes a definition for "at-risk children."

Severability--1994 sp.s. c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 sp.s. c 7 § 913.]

Effective dates--Contingent expiration date--1994 sp.s. c 7: "(1) Sections 201 through 204, 302, 323, 411, 412, 417, and 418 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 6, 1994].

(2) Sections 904 through 908 of this act shall take effect July 1, 1995.

*(3) Notwithstanding other provisions of this section, if sections 901 through 909 of this act are referred to the voters at the next succeeding general election and sections 901 through 909 of this act are rejected by the voters, then the amendments by sections 510 through 512, 519, 521, 525, and 527 of this act shall expire on July 1, 1995." [1994 sp.s. c 7 § 915 (Referendum Bill No. 43, subsection (3) approved November 8, 1994).]

***Reviser's note:** Sections 901 through 909, chapter 7, Laws of 1994 sp. sess. were approved and ratified by the voters on November 8, 1994, in Referendum Bill No. 43. Therefore, the amendments to sections 510 through 512, 519, 521, 525, and 527, chapter 7, Laws of 1994 sp. sess. do not expire on July 1, 1995.

RCW 43.70.545 Data collection and reporting rules.

Applicable Cases

(1) The department of health shall develop, based on recommendations in the public health services improvement plan and in consultation with affected groups or agencies, comprehensive rules for the collection and reporting of data relating to acts of violence, at-risk behaviors, and risk and protective factors. The data collection and reporting rules shall be used by any public or private entity that is required to report data relating to these behaviors and conditions. The department may require any agency or program that is state-funded or that accepts state funds and any licensed or regulated person or professional to report these behaviors and conditions. To the extent possible the department shall require the reports to be filed through

existing data systems. The department may also require reporting of attempted acts of violence and of nonphysical injuries. For the purposes of this section "acts of violence" means self-directed and interpersonal behaviors that can result in suicide, homicide, and nonfatal intentional injuries. "At-risk behaviors," "protective factors," and "risk factors" have the same meanings as provided in RCW 70.190.010. A copy of the data used by a school district to prepare and submit a report to the department shall be retained by the district and, in the copy retained by the district, identify the reported acts or behaviors by school site.

(2) The department is designated as the state-wide agency for the coordination of all information relating to violence and other intentional injuries, at-risk behaviors, and risk and protective factors.

(3) The department shall provide necessary data to the local health departments for use in planning by or evaluation of any community network authorized under RCW 70.190.060.

(4) The department shall by rule establish requirements for local health departments to perform assessment related to at-risk behaviors and risk and protective factors and to assist community networks in policy development and in planning and other duties under chapter 7, Laws of 1994 sp. sess.

(5) The department may, consistent with its general authority and directives under RCW 43.70.540 through 43.70.560, contract with a college or university that has experience in data collection relating to the health and overall welfare of children to provide assistance to:

(a) State and local health departments in developing new sources of data to track acts of violence, at-risk behaviors, and risk and protective factors; and

(b) Local health departments to compile and effectively communicate data in their communities.

[1998 c 245 § 76; 1994 sp.s. c 7 § 202.]

Notes:

~~Finding--Intent--Severability--Effective dates--Contingent expiration date--1994 sp.s. c 7:~~ See notes following RCW 43.70.540.

RCW 43.70.550 Public health services improvement plan--Contents.

Applicable Cases

The public health services improvement plan developed under RCW 43.70.520 shall include:

(1) Minimum standards for state and local public health assessment, performance measurement, policy development, and assurance regarding social development to reduce at-risk behaviors and risk and protective factors. The department in the development of data collection and reporting requirements for the superintendent of public instruction, schools, and school districts shall consult with the joint select committee on education restructuring and local school districts.

(2)(a) Measurable risk factors that are empirically linked to violent criminal acts by juveniles, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence; and

(b) An evaluation of other factors to determine whether they are empirically related risk factors, such as: Out-of-home placements, poverty, single-parent households, inadequate nutrition, hunger, unemployment, lack of job skills, gang affiliation, lack of recreational or cultural opportunities, school absenteeism, court-ordered parenting plans, physical, emotional, or behavioral problems requiring special needs assistance in K-12 schools, learning disabilities, and any other possible factors.

(3) Data collection and analysis standards on at-risk behaviors and risk and protective factors for use by the local public health departments and the *state council and the local community networks to ensure consistent and interchangeable data.

(4) Recommendations regarding any state or federal statutory barriers affecting data collection or reporting.

The department shall provide an annual report to the Washington state institute for public policy on the implementation of this section.

[1994 sp.s. c 7 § 203.]

Notes:

***Reviser's note:** RCW 70.170.030, which created the health care access and cost control council, was repealed by 1995 c 269 § 2204, effective July 1, 1995.

Finding--Intent--Severability--Effective dates--Contingent expiration date--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.555 Assessment standards.

Applicable Cases

The department, in consultation with the family policy council created in chapter 70.190 RCW, shall establish, by rule, standards for local health departments and networks to use in assessment, performance measurement, policy development, and assurance regarding social development to prevent health problems caused by risk factors empirically linked to: Violent criminal acts by juveniles, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence. The standards shall be based on the standards set forth in the public health services improvement plan as required by RCW 43.70.550.

[1998 c 245 § 77; 1994 sp.s. c 7 § 204.]

Notes:

Finding--Intent--Severability--Effective dates--Contingent expiration date--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.560 Media violence--Reporting reduction efforts.

Applicable Cases

The legislature encourages the use of a state-wide voluntary, socially responsible policy to reduce the emphasis, amount, and type of violence in all public media. The department shall develop a suggested reporting format for use by the print, television, and radio media in reporting their voluntary violence reduction efforts. Each area of the public media may carry out the policy

in whatever manner that area deems appropriate.

[1994 sp.s. c 7 § 205.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.70.570 Intent--1995 c 43.

Applicable Cases

The legislature declares its intent to implement the recommendations of the public health improvement plan by initiating a program to provide the public health system with the necessary capacity to improve the health outcomes of the population of Washington state and establishing the methodology by which improvement in the health outcomes and delivery of public health activities will be assessed.

[1995 c 43 § 1.]

Notes:

Severability--1995 c 43: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 43 § 14.]

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

RCW 43.70.575 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.70.570 through 43.70.580.

(1) "Capacity" means actions that public health jurisdictions must do as part of ongoing daily operations to adequately protect and promote health and prevent disease, injury, and premature death. The public health improvement plan identifies capacity necessary for assessment, policy development, administration, prevention, including promotion and protection, and access and quality.

(2) "Department" means the department of health.

(3) "Local health jurisdiction" means the local health agency, either county or multicounty, operated by local government, with oversight and direction from a local board of health, that provides public health services throughout a defined geographic area.

(4) "Health outcomes" means long-term objectives that define optimal, measurable, future levels of health status, maximum acceptable levels of disease, injury, or dysfunction, or prevalence of risk factors in areas such as improving the rate of immunizations for infants and children to ninety percent and controlling and reducing the spread of tuberculosis and that are stated in the public health improvement plan.

(5) "Public health improvement plan," also known as the public health services improvement plan, means the public health services improvement plan established under RCW 43.70.520, developed by the department, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health services,

and other state agencies, health services providers, and residents concerned about public health, to provide a detailed accounting of deficits in the core functions of assessment, policy development, and assurance of the current public health system, how additional public health funding would be used, and to describe the benefits expected from expanded expenditures.

(6) "Public health" means activities that society does collectively to assure the conditions in which people can be healthy. This includes organized community efforts to prevent, identify, preempt, and counter threats to the public's health.

(7) "Public health system" means the department, the state board of health, and local health jurisdictions.

[1995 c 43 § 2.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

RCW 43.70.580 Public health improvement plan--Funds--Performance-based contracts--Rules--Evaluation and report.

Applicable Cases

The primary responsibility of the public health system, is to take those actions necessary to protect, promote, and improve the health of the population. In order to accomplish this, the department shall:

(1) Identify, as part of the public health improvement plan, the key health outcomes sought for the population and the capacity needed by the public health system to fulfill its responsibilities in improving health outcomes.

(2)(a) Distribute state funds that, in conjunction with local revenues, are intended to improve the capacity of the public health system. The distribution methodology shall encourage system-wide effectiveness and efficiency and provide local health jurisdictions with the flexibility both to determine governance structures and address their unique needs.

(b) Enter into with each local health jurisdiction performance-based contracts that establish clear measures of the degree to which the local health jurisdiction is attaining the capacity necessary to improve health outcomes. The contracts negotiated between the local health jurisdictions and the department of health must identify the specific measurable progress that local health jurisdictions will make toward achieving health outcomes. A community assessment conducted by the local health jurisdiction according to the public health improvement plan, which shall include the results of the comprehensive plan prepared according to RCW 70.190.130, will be used as the basis for identifying the health outcomes. The contracts shall include provisions to encourage collaboration among local health jurisdictions. State funds shall be used solely to expand and complement, but not to supplant city and county government support for public health programs.

(3) Develop criteria to assess the degree to which capacity is being achieved and ensure compliance by public health jurisdictions.

(4) Adopt rules necessary to carry out the purposes of chapter 43, Laws of 1995.

(5) Biennially, within the public health improvement plan, evaluate the effectiveness of the public health system, assess the degree to which the public health system is attaining the capacity to improve the status of the public's health, and report progress made by each local health jurisdiction toward improving health outcomes.

[1995 c 43 § 3.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

RCW 43.70.590 American Indian health care delivery plan.

Applicable Cases

Consistent with funds appropriated specifically for this purpose, the department shall establish in conjunction with the area Indian health services system and providers an advisory group comprised of Indian and non-Indian health care facilities and providers to formulate an American Indian health care delivery plan. The plan shall include:

- (1) Recommendations to providers and facilities methods for coordinating and joint venturing with the Indian health services for service delivery;
- (2) Methods to improve American Indian-specific health programming; and
- (3) Creation of co-funding recommendations and opportunities for the unmet health services programming needs of American Indians.

[1995 c 43 § 4; 1993 c 492 § 468. Formerly RCW 41.05.240.]

Notes:

Reviser's note: RCW 41.05.240 was amended and recodified as RCW 43.70.590 by 1995 c 43 without cognizance of the repeal by 1995 1st sp.s. c 6 § 9. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

Findings--Intent--1993 c 492: See notes following RCW 43.72.005.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

RCW 43.70.600 Survey regarding exposure to radio frequencies--Results.

Applicable Cases

When funds are appropriated for this purpose, the department shall conduct a survey of scientific literature regarding the possible health effects of human exposure to the radio frequency part of the electromagnetic spectrum (300Hz to 300GHz). The department may submit the survey results to the legislature, prepare a summary of that survey, and make the summary available to the public. The department may update the survey and summary periodically.

[1998 c 245 § 78; 1996 c 323 § 6.]

Notes:

Findings--1996 c 323: "The legislature finds that concerns have been raised over possible health effects

from exposure to some wireless telecommunications facilities, and that exposures from these facilities should be kept as low as reasonably achievable while still allowing the operation of these networks. The legislature further finds that the department of health should serve as the state agency that follows the issues and compiles information pertaining to potential health effects from wireless telecommunications facilities." [1996 c 323 § 1.]

RCW 43.70.605 Personal wireless services--Random testing on power density analysis--Rules.

Applicable Cases

Unless this section is preempted by applicable federal statutes, the department may require that in residential zones or areas, all providers of personal wireless services, as defined in *section 1 of this act, provide random test results on power density analysis for the provider's licensed frequencies showing radio frequency levels before and after development of the personal wireless service antenna facilities, following national standards or protocols of the federal communications commission or other federal agencies. This section shall not apply to microcells as defined in RCW 80.36.375. The department may adopt rules to implement this section.

[1996 c 323 § 7.]

Notes:

***Reviser's note:** The reference to section 1 of this act is erroneous. Section 2 of the act, codified as RCW 43.21C.0384, was apparently intended.

Findings--1996 c 323: See note following RCW 43.70.600.

RCW 43.70.610 Domestic violence education program--Established--Findings.

Applicable Cases

The legislature finds that domestic violence is the leading cause of injury among women and is linked to numerous health problems, including depression, abuse of alcohol and other drugs, and suicide. Despite the frequency of medical attention, few people are diagnosed as victims of spousal abuse. The department, in consultation with the disciplinary authorities as defined in RCW 18.130.040, shall establish, within available department general funds, an ongoing domestic violence education program as an integral part of its health professions regulation. The purpose of the education program is to raise awareness and educate health care professionals regarding the identification, appropriate treatment, and appropriate referral of victims of domestic violence. The disciplinary authorities having the authority to offer continuing education may provide training in the dynamics of domestic violence. No funds from the health professions account may be utilized to fund activities under this section unless the disciplinary authority authorizes expenditures from its proportions of the account. A disciplinary authority may defray costs by authorizing a fee to be charged for participants or materials relating to any sponsored program.

[1996 c 191 § 89.]

RCW 43.70.620 List of contacts--Health care professions.

Applicable Cases

The secretary shall create and maintain a list of contacts with each of the health care

professions regulated under the following chapters for the purpose of policy advice and information dissemination: RCW 18.06.080, 18.89.050, and 18.138.070 and chapters 18.135, 18.55, and 18.88A RCW.

[1999 c 151 § 402.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.70.900 References to the secretary or department of social and health services--1989 1st ex.s. c 9.

Applicable Cases

All references to the secretary or department of social and health services in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.080, *15.36.005, 18.104.005, 19.32.005, **28A.210.005, 43.83B.005, 43.99D.005, 43.99E.005, ***70.05.005, 70.08.005, ***70.12.005, 70.22.005, 70.24.005, 70.40.005, 70.41.005, and 70.54.005.

[1990 c 33 § 580; 1989 1st ex.s. c 9 § 801.]

Notes:

Reviser's note: *(1) RCW 15.36.005 was recodified as RCW 15.36.471 pursuant to 1994 c 143 § 514.

** (2) RCW 28A.210.005 was repealed by 1995 c 335 § 307.

*** (3) RCW 70.05.005 and 70.12.005 were repealed by 1993 c 492 § 257, effective July 1, 1995.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 43.70.901 References to the director or department of licensing--1989 1st ex.s. c 9.

Applicable Cases

All references to the director of licensing or department of licensing in the Revised Code of Washington shall be construed to mean the secretary or department of health when referring to the functions transferred in RCW 43.70.220.

[1989 1st ex.s. c 9 § 802.]

RCW 43.70.902 References to the hospital commission--1989 1st ex.s. c 9.

Applicable Cases

All references to the hospital commission in the Revised Code of Washington shall be construed to mean the secretary or the department of health.

[1989 1st ex.s. c 9 § 803.]

RCW 43.70.910 Effective date--1989 1st ex.s. c 9.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

[1989 1st ex.s. c 9 § 825.]

RCW 43.70.920 Severability--1989 1st ex.s. c 9.

Applicable Cases

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

[1989 1st ex.s. c 9 § 826.]

Chapter 43.72 RCW
HEALTH SYSTEM REFORM--HEALTH SERVICES COMMISSION

RCW

43.72.011	Definitions.
43.72.090	Uniform or supplemental benefits--Provision by certified health plan only--Uniform benefits package as minimum.
43.72.180	Legislative approval--Uniform benefits package and medical risk adjustment mechanisms.
43.72.300	Managed competition--Findings and intent.
43.72.310	Managed competition--Competitive oversight--Attorney general duties--Anti-trust immunity--Fees.
43.72.860	Managed care pilot projects.
43.72.900	Health services account.
43.72.902	Public health services account.
43.72.904	Health system capacity account.
43.72.906	Personal health services account.
43.72.910	Short title--1993 c 492.
43.72.911	Severability--1993 c 492.
43.72.912	Savings--1993 c 492.
43.72.913	Captions not law--1993 c 492.
43.72.914	Reservation of legislative power--1993 c 492.
43.72.915	Effective dates--1993 c 492.
43.72.916	Effective date--1993 c 494.

RCW 43.72.011 Definitions.

Applicable Cases

As used in this chapter, "health carrier," "health care provider," "provider," "health plan," and "health care facility" have the same meaning as provided in RCW 48.43.005.

[1997 c 274 § 5.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

RCW 43.72.090 Uniform or supplemental benefits--Provision by certified health plan only--Uniform benefits package as minimum.

Applicable Cases

(1) On and after December 31, 1995, no person or entity in this state shall provide the

uniform benefits package and supplemental benefits as defined in *RCW 43.72.010 without being certified as a certified health plan by the insurance commissioner.

(2) On and after December 31, 1995, no certified health plan may offer less than the uniform benefits package to residents of this state and no registered employer health plan may provide less than the uniform benefits package to its employees and their dependents.

(3) The health services commission may authorize renewal or continuation until December 31, 1996, of health care service contracts, disability group insurance, or health maintenance policies in effect on December 31, 1995.

[1995 c 2 § 1; 1993 c 492 § 427.]

Notes:

Reviser's note: *(1) RCW 43.72.010 was repealed by 1995 c 265 § 27, effective July 1, 1995.

(2) RCW 43.72.090 was also repealed by 1995 c 265 § 27 without cognizance of its amendment by 1995 c 2 § 1. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Effective date--1995 c 2: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [February 3, 1995]." [1995 c 2 § 5.]

Certification: Chapter 48.43 RCW.

RCW 43.72.090 Uniform or supplemental benefits--Provision by certified health plan only--Uniform benefits package as minimum.

Applicable Cases

[1993 c 492 § 427.] Repealed by 1995 c 265 § 27, effective July 1, 1995.

Notes:

Reviser's note: RCW 43.72.090 was also amended by 1995 c 2 § 1 without cognizance of its repeal by 1995 c 265 § 27. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Certification: Chapter 48.43 RCW.

RCW 43.72.180 Legislative approval--Uniform benefits package and medical risk adjustment mechanisms.

Applicable Cases

The legislature may disapprove of the uniform benefits package developed under *RCW 43.72.130 and medical risk adjustment mechanisms developed under **RCW 43.72.040(7) by an act of law at any time prior to the last day of the following regular legislative session. If such disapproval action is taken, the commission shall resubmit a modified package to the legislature within fifteen days of the disapproval. If the legislature does not disapprove or modify the package by an act of law by the end of that regular session, the package is deemed approved.

[1995 c 2 § 2; 1993 c 492 § 454.]

Notes:

Reviser's note: *(1) RCW 43.72.130 was repealed by 1995 c 265 § 27, effective July 1, 1995.

***(2) RCW 43.72.040 was repealed by 1995 c 265 § 27, effective July 1, 1995.

(3) RCW 43.72.180 was also repealed by 1995 c 265 § 27 without cognizance of its amendment by 1995 c 2 § 2. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

Effective date--1995 c 2: See note following RCW 43.72.090.

RCW 43.72.180 Legislative approval--Uniform benefits package and medical risk adjustment mechanisms.

Applicable Cases

[1993 c 492 § 454.] Repealed by 1995 c 265 § 27, effective July 1, 1995.

Notes:

Reviser's note: RCW 43.72.180 was also amended by 1995 c 2 § 2 without cognizance of its repeal by 1995 c 265 § 27. For rule of construction concerning sections amended and repealed in the same legislative session, see RCW 1.12.025.

RCW 43.72.300 Managed competition--Findings and intent.

Applicable Cases

(1) The legislature recognizes that competition among health care providers, facilities, payers, and purchasers will yield the best allocation of health care resources, the lowest prices for health care services, and the highest quality of health care when there exists a large number of buyers and sellers, easily comparable health plans and services, minimal barriers to entry and exit into the health care market, and adequate information for buyers and sellers to base purchasing and production decisions. However, the legislature finds that purchasers of health care services and health care coverage do not have adequate information upon which to base purchasing decisions; that health care facilities and providers of health care services face legal and market disincentives to develop economies of scale or to provide the most cost-efficient and efficacious service; that health insurers, contractors, and health maintenance organizations face market disincentives in providing health care coverage to those Washington residents with the most need for health care coverage; and that potential competitors in the provision of health care coverage bear unequal burdens in entering the market for health care coverage.

(2) The legislature therefore intends to exempt from state anti-trust laws, and to provide immunity from federal anti-trust laws through the state action doctrine for activities approved under this chapter that might otherwise be constrained by such laws and intends to displace competition in the health care market: To contain the aggregate cost of health care services; to promote the development of comprehensive, integrated, and cost-effective health care delivery systems through cooperative activities among health care providers and facilities; to promote comparability of health care coverage; to improve the cost-effectiveness in providing health care coverage relative to health promotion, disease prevention, and the amelioration or cure of illness;

to assure universal access to a publicly determined, uniform package of health care benefits; and to create reasonable equity in the distribution of funds, treatment, and medical risk among purchasers of health care coverage, payers of health care services, providers of health care services, health care facilities, and Washington residents. To these ends, any lawful action taken pursuant to chapter 492, Laws of 1993 by any person or entity created or regulated by chapter 492, Laws of 1993 are declared to be taken pursuant to state statute and in furtherance of the public purposes of the state of Washington.

(3) The legislature does not intend and unless explicitly permitted in accordance with RCW 43.72.310 or under rules adopted pursuant to chapter 492, Laws of 1993, does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal anti-trust laws including but not limited to conspiracies or agreements:

(a) Among competing health care providers not to grant discounts, not to provide services, or to fix the price of their services;

(b) Among health carriers as to the price or level of reimbursement for health care services;

(c) Among health carriers to boycott a group or class of health care service providers;

(d) Among purchasers of health plan coverage to boycott a particular plan or class of plans;

(e) Among health carriers to divide the market for health care coverage; or

(f) Among health carriers and purchasers to attract or discourage enrollment of any Washington resident or groups of residents in a health plan based upon the perceived or actual risk of loss in including such resident or group of residents in a health plan or purchasing group.

[1997 c 274 § 6; 1993 c 492 § 447.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

RCW 43.72.310 Managed competition--Competitive oversight--Attorney general duties--Anti-trust immunity--Fees.

Applicable Cases

(1) A health carrier, health care facility, health care provider, or other person involved in the development, delivery, or marketing of health care or health plans may request, in writing, that the department of health obtain an informal opinion from the attorney general as to whether particular conduct is authorized by chapter 492, Laws of 1993. Trade secret or proprietary information contained in a request for informal opinion shall be identified as such and shall not be disclosed other than to an authorized employee of the department of health or attorney general without the consent of the party making the request, except that information in summary or aggregate form and market share data may be contained in the informal opinion issued by the attorney general. The attorney general shall issue such opinion within thirty days of receipt of a written request for an opinion or within thirty days of receipt of any additional information requested by the attorney general necessary for rendering an opinion unless extended by the

attorney general for good cause shown. If the attorney general concludes that such conduct is not authorized by chapter 492, Laws of 1993, the person or organization making the request may petition the department of health for review and approval of such conduct in accordance with subsection (3) of this section.

(2) After obtaining the written opinion of the attorney general and consistent with such opinion, the department of health:

(a) May authorize conduct by a health carrier, health care facility, health care provider, or any other person that could tend to lessen competition in the relevant market upon a strong showing that the conduct is likely to achieve the policy goals of chapter 492, Laws of 1993 and a more competitive alternative is impractical;

(b) Shall adopt rules governing conduct among providers, health care facilities, and health carriers including rules governing provider and facility contracts with health carriers, rules governing the use of "most favored nation" clauses and exclusive dealing clauses in such contracts, and rules providing that health carriers in rural areas contract with a sufficient number and type of health care providers and facilities to ensure consumer access to local health care services;

(c) Shall adopt rules permitting health care providers within the service area of a plan to collectively negotiate the terms and conditions of contracts with a health carrier including the ability of providers to meet and communicate for the purposes of these negotiations;

(d) Shall adopt rules governing cooperative activities among health care facilities and providers; and

(e) Effective July 1, 1997, in addition to the rule-making authority granted to the department under this section, the department shall have the authority to enforce and administer rules previously adopted by the health services commission and the health care policy board pursuant to RCW 43.72.310.

(3) A health carrier, health care facility, health care provider, or any other person involved in the development, delivery, and marketing of health care services or health plans may file a written petition with the department of health requesting approval of conduct that could tend to lessen competition in the relevant market. Such petition shall be filed in a form and manner prescribed by rule of the department of health.

The department of health shall issue a written decision approving or denying a petition filed under this section within ninety days of receipt of a properly completed written petition unless extended by the department of health for good cause shown. The decision shall set forth findings as to benefits and disadvantages and conclusions as to whether the benefits outweigh the disadvantages.

(4) In authorizing conduct and adopting rules of conduct under this section, the department of health with the advice of the attorney general, shall consider the benefits of such conduct in furthering the goals of health care reform including but not limited to:

(a) Enhancement of the quality of health services to consumers;

(b) Gains in cost efficiency of health services;

(c) Improvements in utilization of health services and equipment;

(d) Avoidance of duplication of health services resources; or

(e) And as to (b) and (c) of this subsection: (i) Facilitates the exchange of information relating to performance expectations; (ii) simplifies the negotiation of delivery arrangements and relationships; and (iii) reduces the transactions costs on the part of health carriers and providers in negotiating more cost-effective delivery arrangements.

These benefits must outweigh disadvantages including and not limited to:

(i) Reduced competition among health carriers, health care providers, or health care facilities;

(ii) Adverse impact on quality, availability, or price of health care services to consumers;

or

(iii) The availability of arrangements less restrictive to competition that achieve the same benefits.

(5) Conduct authorized by the department of health shall be deemed taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(6) With the assistance of the attorney general's office, the department of health shall actively supervise any conduct authorized under this section to determine whether such conduct or rules permitting certain conduct should be continued and whether a more competitive alternative is practical. The department of health shall periodically review petitioned conduct through, at least, annual progress reports from petitioners, annual or more frequent reviews by the department of health that evaluate whether the conduct is consistent with the petition, and whether the benefits continue to outweigh any disadvantages. If the department of health determines that the likely benefits of any conduct approved through rule, petition, or otherwise by the department of health no longer outweigh the disadvantages attributable to potential reduction in competition, the department of health shall order a modification or discontinuance of such conduct. Conduct ordered discontinued by the department of health shall no longer be deemed to be taken pursuant to state statute and in the furtherance of the public purposes of the state of Washington.

(7) Nothing contained in chapter 492, Laws of 1993 is intended to in any way limit the ability of rural hospital districts to enter into cooperative agreements and contracts pursuant to RCW 70.44.450 and chapter 39.34 RCW.

(8) The secretary of health shall from time to time establish fees to accompany the filing of a petition or a written request to the department to obtain an opinion from the attorney general under this section and for the active supervision of conduct approved under this section. Such fees may vary according to the size of the transaction proposed in the petition or under active supervision. In setting such fees, the secretary shall consider that consumers and the public benefit when activities meeting the standards of this section are permitted to proceed; the importance of assuring that persons sponsoring beneficial activities are not foreclosed from filing a petition under this section because of the fee; and the necessity to avoid a conflict, or the appearance of a conflict, between the interests of the department and the public. The total fee for a petition under this section, a written request to the department to obtain an opinion from the attorney general, or a combination of both regarding the same conduct shall not exceed the level

that will defray the reasonable costs the department and attorney general incur in considering a petition and in no event shall be greater than twenty-five thousand dollars. The fee for review of approved conduct shall not exceed the level that will defray the reasonable costs the department and attorney general incur in conducting such a review and in no event shall be greater than ten thousand dollars per annum. The fees shall be fixed by rule adopted in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, and shall be deposited in the health professions account established in accordance with RCW 43.70.320.

[1997 c 274 § 7; 1995 c 267 § 8; 1993 c 492 § 448.]

Notes:

Effective date--1997 c 274: See note following RCW 41.05.021.

Captions not law--Severability--Effective dates--1995 c 267: See notes following RCW 43.70.052.

RCW 43.72.860 Managed care pilot projects.

Applicable Cases

(1) The department of labor and industries, in consultation with the workers' compensation advisory committee, may conduct pilot projects to purchase medical services for injured workers through managed care arrangements. The projects shall assess the effects of managed care on the cost and quality of, and employer and employee satisfaction with, medical services provided to injured workers.

(2) The pilot projects may be limited to specific employers. The implementation of a pilot project shall be conditioned upon a participating employer and a majority of its employees, or, if the employees are represented for collective bargaining purposes, the exclusive bargaining representative, voluntarily agreeing to the terms of the pilot. Unless the project is terminated by the department, both the employer and employees are bound by the project agreements for the duration of the project.

(3) Solely for the purpose and duration of a pilot project, the specific requirements of Title 51 RCW that are identified by the department as otherwise prohibiting implementation of the pilot project shall not apply to the participating employers and employees to the extent necessary for conducting the project. Managed care arrangements for the pilot projects may include the designation of doctors responsible for the care delivered to injured workers participating in the projects.

(4) The projects shall conclude no later than January 1, 1997.

[1998 c 245 § 79; 1995 c 81 § 2; 1993 c 492 § 486.]

RCW 43.72.900 Health services account.

Applicable Cases

The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

[1993 c 492 § 469.]

RCW 43.72.902 Public health services account.

Applicable Cases

The public health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended only for maintaining and improving the health of Washington residents through the public health system. For purposes of this section, the public health system shall consist of the state board of health, the state department of health, and local health departments and districts.

[1995 c 43 § 12; 1993 c 492 § 470.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

RCW 43.72.904 Health system capacity account.

Applicable Cases

The health system capacity account is created in the state treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the following purposes: Health data systems; health systems and public health research; health system regulation; health system planning, development, and administration; and improving the supply and geographic distribution of primary health service providers.

[1993 c 492 § 471.]

RCW 43.72.906 Personal health services account.

Applicable Cases

The personal health services account is created in the [state] treasury. Moneys in the account may be spent only after appropriation. Moneys in the account may be expended for the support of subsidized personal health services for low-income Washington residents.

[1993 c 492 § 472.]

RCW 43.72.910 Short title--1993 c 492.

Applicable Cases

This act may be known and cited as the Washington health services act of 1993.

[1993 c 492 § 487.]

RCW 43.72.911 Severability--1993 c 492.

Applicable Cases

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

[1993 c 492 § 490.]

RCW 43.72.912 Savings--1993 c 492.

Applicable Cases

The enactment of this act does not have the effect of terminating, or in any way modifying, any obligation or any liability, civil or criminal, which was already in existence on the effective date of this act.

[1993 c 492 § 491.]

RCW 43.72.913 Captions not law--1993 c 492.

Applicable Cases

Captions used in this act do not constitute any part of the law.

[1993 c 492 § 492.]

RCW 43.72.914 Reservation of legislative power--1993 c 492.

Applicable Cases

The legislature reserves the right to amend or repeal all or any part of this act at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

[1993 c 492 § 494.]

RCW 43.72.915 Effective dates--1993 c 492.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993, except for:

(1) Sections 234 through 243, 245 through 254, and 257 of this act, which shall take effect January 1, 1996, or January 1, 1998, if funding is not provided as set forth in section 17(4) of this act; and

(2) Sections 301 through 303 of this act, which shall take effect January 1, 1994.

[1995 c 43 § 15; 1993 sp.s. c 25 § 603; 1993 c 492 § 495.]

Notes:

Effective dates--Contingent effective dates--1995 c 43: See note following RCW 70.05.030.

Severability--1995 c 43: See note following RCW 43.70.570.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

RCW 43.72.916 Effective date--1993 c 494.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety,

or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 494 § 8.]

Chapter 43.75 RCW

STATE BUILDING AUTHORITY--INDEBTEDNESS--REFUNDING--BOND ISSUE

RCW

43.75.200	General obligation bonds--Refunding--Amount--Authority of state finance committee to issue.
43.75.205	General obligation bonds--Form, terms, covenants, etc.--Sale--Redemption.
43.75.215	General obligation bonds--Redemption--Enforcement.
43.75.225	Rescission of leases and agreements authorized.
43.75.230	Legislature may provide additional means for paying bonds.
43.75.235	Bonds legal investment for state and other public body funds.
43.75.900	Severability--1973 c 9.
43.75.910	Effective date--1973 c 9.

RCW 43.75.200 General obligation bonds--Refunding--Amount--Authority of state finance committee to issue.

Applicable Cases

The state finance committee shall issue general obligation bonds of the state in the amount of seventy-two million one hundred sixty-seven thousand, six hundred fifty dollars, or so much thereof as may be required to refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority and to pay all costs incidental thereto and to the issuance of such bonds. Such refunding bonds shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session.

[1973 c 9 § 1; 1971 ex.s. c 154 § 1.]

RCW 43.75.205 General obligation bonds--Form, terms, covenants, etc.--Sale--Redemption.

Applicable Cases

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

The proceeds from the sale of bonds authorized by this chapter and any interest earned on the interim investment of such proceeds, shall be used exclusively for the purposes specified in this chapter.

[1973 c 9 § 2.]

RCW 43.75.215 General obligation bonds--Redemption--Enforcement.

Applicable Cases

The state finance committee shall on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet retirement and interest requirements of such bonds, and on July 1st of each year the state treasurer shall deposit from any general state revenues such amount in the state building authority bond redemption fund hereby created in the state treasury. The owner and holder of each of the bonds or the trustee for any of the bondholders may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed by this section.

[1973 c 9 § 3.]

RCW 43.75.225 Rescission of leases and agreements authorized.

Applicable Cases

The Washington state building authority and the state institutions of higher learning and other state agencies are hereby authorized to rescind leases and other agreements entered into prior to February 21, 1973, pursuant to chapter 43.75 RCW at such time as all indebtedness incurred by the authority has been paid.

[1973 c 9 § 5.]

RCW 43.75.230 Legislature may provide additional means for paying bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized by this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1973 c 9 § 6.]

RCW 43.75.235 Bonds legal investment for state and other public body funds.

Applicable Cases

The bonds authorized by this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1973 c 9 § 7.]

RCW 43.75.900 Severability--1973 c 9.

Applicable Cases

If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 c 9 § 9.]

RCW 43.75.910 Effective date--1973 c 9.

Applicable Cases

This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and, except as otherwise specifically provided, shall take effect immediately.

[1973 c 9 § 10.]

**Chapter 43.78 RCW
PUBLIC PRINTER--PUBLIC PRINTING**

RCW

43.78.010	Appointment of public printer.
43.78.020	Bond.
43.78.030	Duties--Exceptions.
43.78.040	Requisitions.
43.78.050	Itemized statement of charges.
43.78.070	Use of state plant--Conditions--Public printer's salary.
43.78.080	Printing specifications.
43.78.090	Reprinting.
43.78.100	Stock to be furnished.
43.78.105	Printing for institutions of higher education--Interlocal agreements.
43.78.110	Securing printing from private sources--Farming out.
43.78.130	Public printing for state agencies and municipal corporations--Exceptions to instate requirements.
43.78.140	Public printing for state agencies and municipal corporations--Allowance of claims.
43.78.150	Public printing for state agencies and municipal corporations--Contracts for out-of-state work.
43.78.160	Public printing for state agencies and municipal corporations--Quality and workmanship requirements.
43.78.170	Recycled content requirement.

RCW 43.78.010 Appointment of public printer.

Applicable Cases

There shall be a public printer appointed by the governor with the advice and consent of the senate, who shall hold office at the pleasure of the governor and until his successor is appointed and qualified.

[1981 c 338 § 6; 1965 c 8 § 43.78.010. Prior: 1905 c 168 § 1; RRS § 10323.]

RCW 43.78.020 Bond.

Applicable Cases

Before entering upon the duties of his office, the public printer shall execute to the state a

bond in the sum of ten thousand dollars conditioned for the faithful and punctual performance of all duties and trusts of his office.

[1965 c 8 § 43.78.020. Prior: 1933 c 97 § 4; 1905 c 168 § 2; RRS § 10324.]

RCW 43.78.030 Duties--Exceptions.

Applicable Cases

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, to the printing of bond certificates or bond offering disclosure documents, to the printing of educational publications of the state historical societies, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the public printer, develop vendor selection procedures comparable to those used by the public printer for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

[1994 c 82 § 1; 1993 c 379 § 104; 1988 c 102 § 1; 1987 c 72 § 1; 1982 c 164 § 2; 1971 c 81 § 114; 1965 c 8 § 43.78.030. Prior: 1959 c 88 § 1; 1917 c 129 § 1; 1915 c 27 § 2; 1905 c 168 § 3; RRS § 10325.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

Commission on supreme court reports, member: RCW 2.32.160.

Promotional printing for

apple advertising commission, exemption: RCW 15.24.085.

beef commission, exemption: RCW 16.67.170.

dairy products commission, exemption: RCW 15.24.085.

fruit commission, exemption: RCW 15.24.085.

honey bee commission, exemption: RCW 15.62.190.

Session laws, legislative journals, delivery to statute law committee: RCW 40.04.030.

RCW 43.78.040 Requisitions.

Applicable Cases

All printing and binding shall be done under the general superintendence of the authorities ordering it, and when completed shall be delivered to such authorities, who shall sign receipts therefor.

Before the public printer shall execute any printing or binding for any office, board, commission, or institution, the proper officer thereof shall apply therefor by requisition.

[1965 c 8 § 43.78.040. Prior: 1905 c 168 § 4; RRS § 10326.]

RCW 43.78.050 Itemized statement of charges.

Applicable Cases

Upon delivering a printing or binding job and receiving a receipt therefor the public printer shall make out, and deliver to the requesting agency an itemized statement of charges.

[1965 c 8 § 43.78.050. Prior: 1905 c 168 § 5, part; RRS § 10327.]

RCW 43.78.070 Use of state plant--Conditions--Public printer's salary.

Applicable Cases

The public printer shall use the state printing plant upon the following conditions, to wit:

(1) He shall do the public printing, and charge therefor the fees as provided by law. He may print the Washington Reports for the publishers thereof under a contract approved in writing by the governor.

(2) The gross income of the public printer shall be deposited in an account designated "state printing plant revolving fund" in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: PROVIDED, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: PROVIDED, That a reasonable sum to be determined by the governor, the public printer, and the director of financial management shall be retained in the fund for working capital for the public printer.

[1979 c 151 § 134; 1965 c 8 § 43.78.070. Prior: 1961 c 307 § 5; 1955 c 340 § 12; 1951 c 151 § 1; 1933 c 97 § 3; RRS § 10327-2.]

RCW 43.78.080 Printing specifications.

Applicable Cases

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the public printer.

The public printing shall be divided into the following classes:

FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

SECOND CLASS. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four.

[1972 ex.s. c 1 § 1; 1969 c 6 § 7; 1965 c 8 § 43.78.080. Prior: 1955 c 16 § 1; 1943 c 124 § 1; 1935 c 130 § 1; 1919 c 37 § 1; 1917 c 129 § 3; 1905 c 168 § 6; RRS § 10329.]

RCW 43.78.090 Reprinting.

Applicable Cases

Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public printer shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter.

[1965 c 8 § 43.78.090. Prior: 1935 c 130 § 2; 1919 c 37 § 2; 1907 c 174 § 1; RRS § 10330.]

RCW 43.78.100 Stock to be furnished.

Applicable Cases

The public printer shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

[1993 c 379 § 106; 1965 c 8 § 43.78.100. Prior: 1917 c 129 § 5; 1905 c 168 § 9; RRS § 10333.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

RCW 43.78.105 Printing for institutions of higher education--Interlocal agreements.

Applicable Cases

The public printer may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 if an interlocal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the public printer.

[1993 c 379 § 105.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

RCW 43.78.110 Securing printing from private sources--Farming out.

Applicable Cases

Whenever in the judgment of the public printer certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, the public printer may obtain such work or supplies from such private sources.

In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

[1993 c 379 § 107; 1982 c 164 § 3; 1969 c 79 § 1; 1965 c 8 § 43.78.110. Prior: 1935 c 130 § 3; RRS § 10333-1.]

Notes:

Intent--Severability--Effective date--1993 c 379: See notes following RCW 28B.10.029.

RCW 43.78.130 Public printing for state agencies and municipal corporations--Exceptions to instate requirements.

Applicable Cases

All printing, binding, and stationery work done for any state agency, county, city, town,

port district, or school district in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: PROVIDED, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state.

[1999 c 365 § 1; 1965 c 8 § 43.78.130. Prior: 1919 c 80 § 1; RRS § 10335.]

RCW 43.78.140 Public printing for state agencies and municipal corporations--Allowance of claims.

Applicable Cases

No bill or claim for any such work shall be allowed by any officer of a state agency or public corporation or be paid out of its funds, unless it appears that the work was executed within the state or that the execution thereof within the state could not have been procured, or procured at reasonable and competitive rates, and no action shall be maintained against such corporation or its officers upon any contract for such work unless it is alleged and proved that the work was done within the state or that the bids received therefor were unreasonable or not truly competitive.

[1999 c 365 § 2; 1965 c 8 § 43.78.140. Prior: 1919 c 80 § 2; RRS § 10336.]

RCW 43.78.150 Public printing for state agencies and municipal corporations--Contracts for out-of-state work.

Applicable Cases

All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the department of labor and industries regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof.

[1994 c 164 § 12; 1973 1st ex.s. c 154 § 86; 1965 c 8 § 43.78.150. Prior: 1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]

Notes:

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 43.78.160 Public printing for state agencies and municipal corporations--Quality and workmanship requirements.

Applicable Cases

Nothing in RCW 43.78.130, 43.78.140 and 43.78.150 shall be construed as requiring any

public official to accept any such work of inferior quality or workmanship.

[1965 c 8 § 43.78.160. Prior: 1919 c 80 § 4; RRS § 10338.]

RCW 43.78.170 Recycled content requirement.

Applicable Cases

The public printer shall take all actions consistent with the *plan under RCW 43.19A.050 to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1997, and ninety percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1999.

[1996 c 198 § 3; 1991 c 297 § 10.]

Notes:

***Reviser's note:** The mandatory plan under RCW 43.19A.050 was renamed a strategy by 1996 c 198.

Captions not law--1991 c 297: See RCW 43.19A.900.

**Chapter 43.79 RCW
STATE FUNDS**

RCW

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- 43.79.313 Eastern College fund--Warrants to be paid from general fund.
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- 43.79.320 Western College fund--Moneys transferred to general fund.
- 43.79.321 Western College fund--Appropriations to be paid from general fund.
- 43.79.322 Western College fund--Abolished.
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- 43.79.324 Western College fund--Other revenue for support of Western Washington University.
- 43.79.330 Miscellaneous state funds--Moneys transferred to accounts in the state treasury.
- 43.79.331 Miscellaneous state funds--Abolished.
- 43.79.332 Miscellaneous state funds--Appropriations of 34th legislature to be paid from general fund.
- 43.79.333 Miscellaneous state funds--Warrants to be paid from general fund.
- 43.79.334 Miscellaneous state funds--Expenditures--Revenue from other than general fund.
- 43.79.335 Miscellaneous state funds--Washington State University building account.
- 43.79.336 Puget Sound pilotage account redesignated as pilotage account.
- 43.79.340 General obligation bond retirement fund--Moneys transferred to general fund.
- 43.79.341 General obligation bond retirement fund--Appropriations of 34th legislature to be paid from general fund.
- 43.79.342 General obligation bond retirement fund--Abolished.
- 43.79.343 General obligation bond retirement fund--Warrants to be paid from general fund.
- 43.79.350 Suspense account.
- 43.79.370 Suspense account--Disbursements--Vouchers--Warrants.
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- 43.79.390 United States vocational education account--Moneys transferred to general fund.
- 43.79.391 United States vocational education account--Appropriations to be paid from general fund.
- 43.79.392 United States vocational education account--Abolished.
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- 43.79.400 State payroll revolving account, agency payroll revolving fund--Created--Utilization.
- 43.79.405 Parks and parkways account abolished--Funds transferred to general fund.
- 43.79.410 Legal services revolving fund--Created--Purpose--Uses.
- 43.79.420 Miscellaneous state funds--Moneys transferred to basic state general fund.
- 43.79.421 Miscellaneous state funds--Abolished.
- 43.79.422 Miscellaneous state funds--Warrants to be paid from basic state general fund.
- 43.79.423 Miscellaneous state funds or accounts--Moneys transferred to state general fund.
- 43.79.425 Current state school fund--Abolished--Moneys transferred.
- 43.79.430 Moneys from Inland Power & Light company to be deposited in general fund.
- 43.79.435 Investment reserve account abolished--Deposit of moneys.
- 43.79.440 Loan principal and interest fund.
- 43.79.441 Transfer of moneys from certain school bond and state building construction accounts and funds to general fund--Payment of warrants.

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- 43.79.442 Transfer of moneys from certain highway construction accounts and funds to general fund--Payment of warrants.
- 43.79.445 Death investigations account--Disbursal.
- 43.79.455 Capitol purchase and development account.
- 43.79.460 Savings incentive account--Report to legislative committees.
- 43.79.465 Education savings account.
- 43.79.480 Tobacco settlement account--Tobacco prevention and control account.

Notes:

Access roads revolving fund: RCW 79.38.050.

Accounting for: RCW 43.88.160.

Aeronautics account

created: RCW 82.42.090.

deposit of

aircraft dealer's license and certificate fees: RCW 14.20.060.

aircraft fuel tax proceeds: RCW 82.42.090.

Antitrust revolving fund: RCW 43.10.215.

Arbitration of labor disputes: RCW 49.08.060.

Auditing services revolving account: RCW 43.09.410.

Basic data fund: RCW 43.21A.067.

Capitol building construction account: Chapter 79.24 RCW.

Capitol purchase and development account

deposit of moneys received from management of east capitol site in: RCW 79.24.570.

proceeds from sale of tidelands and shorelands paid into: RCW 79.24.580.

Cemetery fund: Chapter 68.05 RCW.

Central operating fund: RCW 74.08.278.

Cerebral palsy: RCW 70.82.021, 70.82.022.

Community and economic development fee account: RCW 43.330.155.

Community services revolving fund: RCW 9.95.360.

Contingency fire suppression account: RCW 76.04.620.

Department of personnel service fund: RCW 41.06.280.

Department of retirement systems expense fund: RCW 41.50.110.

Depositaries, state moneys or funds defined for purposes of: RCW 43.85.200.

Disbursement by warrant or check: RCW 43.88.160.

Distribution to annexed areas, basis for: RCW 35.13.260.

Electrical license account, designation of: RCW 19.28.330.

Environmental and forest restoration account: RCW 43.21J.020.

Fair fund

horse racing money: RCW 15.76.115.

moneys from lease of state lands by director of agriculture to go into: RCW 15.04.090.

Federal forest revolving fund: RCW 28A.520.010 and 28A.520.020.

Ferries revolving fund: RCW 47.60.170.

Flood control contributions: Chapter 86.18 RCW.

Forest development account: Chapter 76.12 RCW.

Freshwater aquatic weeds account: RCW 43.21A.650.

Fruit and vegetable inspection trust account: RCW 15.17.245.

General administration funds: Chapter 43.82 RCW.

General administration services account: RCW 43.19.500.

General fund

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aircraft registration fees deposited in: RCW 47.68.250.
appropriations by legislature (for common school purposes): RCW 28A.150.380.
architects license account created in: RCW 18.08.240.
boxing, kickboxing, martial arts, and wrestling events: RCW 67.08.050.
camping resort fines deposited in: RCW 19.105.380.
cerebral palsy: RCW 70.82.021, 70.82.022.
commercial feed account: RCW 15.53.9044.
commission merchants' account, fees paid into: RCW 20.01.130.
electrical licenses account: RCW 19.28.330.
elevators, escalators and dumbwaiter fees deposited in: RCW 70.87.210.
escheats, sale of property deposited in: RCW 11.08.120.
forest development account: Chapter 76.12 RCW.
liquor excise taxes paid into: RCW 82.08.160.
marine fuel tax refund account: RCW 79A.25.040.
moneys collected under chapter 15.36 RCW to go into: RCW 15.36.491.
monthly financial report of state treasurer as to: RCW 43.08.150.
motor vehicle excise taxes, apportionment and distribution: RCW 82.44.150.
motor vehicle use tax revenues deposited in: RCW 82.12.045.
old age assistance grants charged against: RCW 74.08.370.
outdoor recreation account: RCW 79A.25.060.
parks and parkways, fund for, deposits in: RCW 36.82.210.
pilotage account: RCW 88.16.061.
proceeds from sale of insurance code: RCW 48.02.180.
professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.
public utility district privilege tax: RCW 54.28.040, 54.28.050.
real estate commission account, license fees: RCW 18.85.220.
reclamation revolving account, generally: RCW 89.16.020 through 89.16.040, 90.16.090.
school apportionment from: RCW 28A.510.250.
seed account, moneys collected under seed law to go into: RCW 15.49.470.
special account in general fund for support of common schools: RCW 82.45.180.
state educational trust fund: RCW 28B.10.821.
state general fund--Estimates for state support to public schools from: RCW 28A.300.170.
state general fund support to public schools--School district reimbursement programs: Chapter 28A.150 RCW.
state institutional personnel, charges for quarters: RCW 72.01.282.
taxes: RCW 82.32.380.
unclaimed property, proceeds of sale paid into: RCW 63.29.230.

Grain inspection revolving fund: RCW 22.09.830.
Highway bond retirement funds: Chapter 47.10 RCW.
Highway equipment fund: RCW 47.08.120, 47.08.121.
Highway safety fund
ability to respond in damages abstract fee deposited in: RCW 46.29.050.
county road and bridge violations, fines paid into: RCW 36.82.210.
created, use: RCW 46.68.060.
fees for copies of motor vehicle licensing records to go into: RCW 46.01.250.
for-hire motor vehicle certificates and operators' permits, moneys from to go into: RCW 46.72.110.
moneys accruing from fees for motor vehicle operators' licenses to go into: RCW 46.68.041.
moneys for abstracts of operating records to go into: RCW 46.52.130.
operating record abstract fee deposited in: RCW 46.29.050.

Hop inspection fund: RCW 22.09.830.

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Hospital and medical facilities construction fund: RCW 70.40.150.
Industrial insurance funds: Chapter 51.44 RCW.
Juvenile correctional institution building bond redemption fund: RCW 72.19.100.
Legal services revolving fund: RCW 43.10.150.
Liability account: RCW 4.92.130.
Liquor excise tax fund: RCW 82.08.160, 82.08.170.
Liquor revolving fund: RCW 66.08.170.
Log patrol revolving fund, brand and mark registration fees deposited in: RCW 76.36.160.
Manufactured home installation training account: RCW 43.63B.080.
Marine fuel tax refund account: RCW 79A.25.040.
Marketing act revolving fund: RCW 15.65.460.
Medical aid fund: RCW 51.44.020.
Monthly financial report of state treasurer as to: RCW 43.08.150.
Morrill fund: RCW 28B.30.275.
Motor vehicle fund
 state Constitution Art. 2 § 40, RCW 46.68.070.
 vehicle license proceeds, deposits in: RCW 46.68.030.
Municipal revolving account: RCW 43.09.282.
Northwest nursery fund, planting stock act moneys to go into: RCW 15.14.145.
OASI contribution account: RCW 41.48.060.
Outdoor recreation account, disposition of outdoor recreational bond issue proceeds in: RCW 79A.25.060.
Oyster reserve fund, proceeds from sale or lease of oyster reserves paid into: RCW 79.96.110.
Parks and parkways account
 abolished: RCW 43.79.405.
 deposit of inspections costs on recreational devices: RCW 79A.40.070.
 disposition of outdoor recreational facilities bond issue proceeds in: RCW 79A.10.020.
Permanent common school fund: State Constitution Art. 9 § 2.
 applied exclusively to common schools: State Constitution Art. 9 § 2.
 apportionment by Art. 2 § 28(7).
 banks and trust companies, liquidation and winding up
 dividends unclaimed deposited in: RCW 30.44.150, 30.44.180.
 personal property, proceeds deposited in: RCW 30.44.220.
 credit union unclaimed funds on liquidation escheat to: Chapter 31.12 RCW.
 defalcation, fraud or mismanagement losses borne by state, interest: RCW 28A.515.310.
 enlargement authorized: State Constitution Art. 9 § 3.
 game and game fish lands, withdrawn from lease, payment of amount of lease into: RCW 77.12.360.
 income from
 to be applied to common schools: State Constitution Art. 9 § 2.
 used for current expenses: State Constitution Art. 9 § 2.
 investment, what securities: State Constitution Art. 16 § 5.
 losses from, how made good: State Constitution Art. 9 § 5.
 permanent and irreducible: State Constitution Art. 9 § 3; RCW 28A.515.300.
 proceeds of lands and property reverting to state: RCW 28A.515.300.
 safe deposit box contents, unclaimed after liquidation and winding up of bank or trust company, proceeds from sale deposited in: RCW 30.44.220.
 sources of, from what derived: State Constitution Art. 9 § 3.
 state lands
 acquired, lease and sale of, proceeds to go into: RCW 79.01.612.
 withdrawn for game purposes, payment of amount of lease into: RCW 77.12.360.

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Printing revolving fund: RCW 43.78.070.
Professional engineers' account established, disposition of fees into: RCW 18.43.080, 18.43.150.
Public assistance, central operating fund: RCW 74.08.278.
Public depositaries, deposit and investment of public funds: Chapter 39.58 RCW.
Public safety and education account: RCW 43.08.250.
Public schools building bond redemption funds: Chapter 28A.525 RCW.
Public service revolving fund: RCW 80.01.080.
Puget Sound capital construction account
 created, use: Chapter 47.60 RCW.
 distribution of motor vehicle fuel tax proceeds to: RCW 82.36.020.
Receipt and keeping of: RCW 43.88.160.
Reserve fund, moneys in may be invested in motor vehicle fund warrants: RCW 47.12.210.
Resource management cost account: RCW 79.64.020.
Retirement systems expense fund: RCW 41.50.110.
Revolving funds: RCW 43.88.180, 43.88.190.
Secretary of state's revolving fund: RCW 43.07.130.
State building and higher education construction account, redemption fund: RCW 43.83.074.
State fair fund: RCW 15.76.100, 15.76.170.
State patrol retirement fund: RCW 43.43.130.
State trade fair fund, allocations to state trade fairs from: Chapter 43.31 RCW.
State treasurer's service fund: RCW 43.08.190.
State vehicle parking account: RCW 43.01.225.
Statute law committee publications account: RCW 1.08.0392.
Stream gauging fund abolished: RCW 43.21.141.
Teachers' retirement fund: RCW 41.50.200.
Teachers' retirement pension reserve fund: RCW 41.50.200.
Thurston county capital facilities account: RCW 43.19.501.
Toll bridge authority trust fund for revenues from sale of Puget Sound ferry and toll bridge system bonds: RCW 47.60.150.
Toll bridge funds: Chapter 47.56 RCW.
Undistributed receipts account: RCW 43.01.050.
Unemployment compensation funds, generally: RCW 50.16.010, 50.16.020.
University of Washington
 bond retirement fund: RCW 28B.20.720.
 building account: RCW 28B.15.210.
Volunteer fire fighters' and reserve officers' relief and pension principal fund: RCW 41.24.030.
Washington State University
 bond retirement fund: RCW 28B.30.740.
 bond retirement fund of 1977--Created--Purpose: RCW 28B.31.060.
 building account: RCW 28B.30.730.
 Morrill fund: RCW 28B.30.275.
Wildlife fund: Chapter 77.12 RCW.

RCW 43.79.010 General fund, how constituted.

Applicable Cases

All moneys paid into the state treasury, except moneys received from taxes levied for

specific purposes, and the several permanent and irreducible funds of the state and the moneys derived therefrom, shall be paid into the general fund of the state.

[1965 c 8 § 43.79.010. Prior: 1907 c 8 § 1; RRS § 5509.]

RCW 43.79.015 Accounts in general fund designated as accounts in state treasury--Credit of earnings to general fund.

Applicable Cases

On and after July 1, 1985, all accounts heretofore or hereafter created in the state general fund shall be designated and treated as accounts in the state treasury. Unless otherwise designated by statute, all earnings on balances of such accounts shall be credited to the general fund.

[1985 c 57 § 89.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.79.020 License fees to general fund.

Applicable Cases

Except as otherwise provided by law, all moneys received as fees for the issuance of licenses upon examination, and the renewal thereof, and paid into the state treasury, shall be credited to the general fund; and all expenses incurred in connection with the examination of applicants for licenses, and the issuance and renewal of licenses upon examination shall be paid by warrants drawn against the general fund.

[1965 c 8 § 43.79.020. Prior: 1921 c 81 § 1; RRS § 5511.]

RCW 43.79.060 University permanent fund.

Applicable Cases

There shall be in the state treasury a permanent and irreducible fund known as the "state university permanent fund," into which shall be paid all moneys derived from the sale of lands granted, held, or devoted to state university purposes.

[1965 c 8 § 43.79.060. Prior: 1907 c 168 § 1; RRS § 5518.]

RCW 43.79.071 University of Washington fund--Moneys transferred to general fund.

Applicable Cases

All moneys in the state treasury to the credit of the University of Washington fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the University of Washington fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.071. Prior: 1955 c 332 § 1.]

RCW 43.79.072 University of Washington fund--Appropriations to be paid from general

fund.

Applicable Cases

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the University of Washington fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.072. Prior: 1955 c 332 § 2.]

RCW 43.79.073 University of Washington fund--Abolished.

Applicable Cases

From and after the first day of May, 1955, the University of Washington fund is abolished.

[1965 c 8 § 43.79.073. Prior: 1955 c 332 § 3.]

RCW 43.79.074 University of Washington fund--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of May, 1955, all warrants drawn on the University of Washington fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.074. Prior: 1955 c 332 § 4.]

RCW 43.79.075 University of Washington fund--Other revenue for support of university.

Applicable Cases

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the University of Washington fund, shall be used for any purpose except the support of the University of Washington.

[1965 c 8 § 43.79.075. Prior: 1955 c 332 § 5.]

RCW 43.79.080 University building fund.

Applicable Cases

There shall be in the state treasury a fund known and designated as the "University of Washington building account".

[1985 c 57 § 36; 1965 c 8 § 43.79.080. Prior: 1915 c 66 § 1; RRS § 5535.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.79.100 Scientific school grant to Washington State University.

Applicable Cases

The one hundred thousand acres of land granted by the United States government to the state for a scientific school in section 17 of the enabling act, are assigned to the support of

Washington State University.

[1965 c 8 § 43.79.100. Prior: 1917 c 11 § 1; RRS § 5525.]

RCW 43.79.110 Scientific permanent fund.

Applicable Cases

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

[1991 sp.s. c 13 § 96; 1965 c 8 § 43.79.110. Prior: 1901 c 81 § 4; RRS § 5526.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.79.120 Agricultural college grant to Washington State University.

Applicable Cases

The ninety thousand acres of land granted by the United States government to the state for an agricultural college in section 16 of the enabling act are assigned to the support of Washington State University.

[1965 c 8 § 43.79.120.]

RCW 43.79.130 Agricultural permanent fund.

Applicable Cases

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service account [fund] pursuant to RCW 43.08.190.

[1991 sp.s. c 13 § 94; 1965 c 8 § 43.79.130.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.79.140 Washington State University--Moneys paid into general fund for support of.

Applicable Cases

There shall be paid into the state general fund for the support of Washington State University the following moneys:

- (1)--All moneys collected from the lease or rental of lands set apart by the enabling act or

otherwise for the agricultural college and school of science;

(2)--All interest or income arising from the proceeds of the sale of any of such lands;

(3)--All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

[1965 c 8 § 43.79.140. Prior: 1905 c 43 § 2; RRS § 5521.]

RCW 43.79.150 Normal school grant to former state colleges of education and The Evergreen State College.

Applicable Cases

The one hundred thousand acres of land granted by the United States government to the state for state normal schools in section 17 of the enabling act are assigned to the support of the regional universities, which were formerly the state colleges of education and to The Evergreen State College.

[1993 c 411 § 3; 1977 ex.s. c 169 § 104; 1965 c 8 § 43.79.150.]

Notes:

Finding--1993 c 411: See note following RCW 28B.35.751.

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.160 Normal school permanent fund.

Applicable Cases

There shall be in the state treasury a permanent and irreducible fund known as the "normal school permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for state normal schools.

[1965 c 8 § 43.79.160.]

RCW 43.79.180 Former state colleges of education--Moneys paid into general fund for support of.

Applicable Cases

There shall be paid into the state general fund for the use and support of the regional universities (formerly state colleges of education) the following moneys:

(1)--All moneys collected from the lease or rental of lands set apart by the enabling act or otherwise for the state normal schools;

(2)--All interest or income arising from the proceeds of the sale of such lands;

(3)--All moneys received or collected as interest on deferred payments on contracts for the sale of such lands.

[1977 ex.s. c 169 § 105; 1965 c 8 § 43.79.180. Prior: 1905 c 43 § 4; RRS § 5523.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.201 C.E.P. & R.I. account--Moneys transferred to charitable, educational,

penal and reformatory institutions account--Exception.

Applicable Cases

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community, trade, and economic development for the housing assistance program under chapter 43.185 RCW.

[1995 c 399 § 77; 1991 sp.s. c 13 § 39; 1991 c 204 § 3; 1985 c 57 § 37; 1965 ex.s. c 135 § 2; 1965 c 8 § 43.79.201. Prior: 1961 c 170 § 1.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Income potential: RCW 79.01.007.

Inventory of land: RCW 79.01.006.

RCW 43.79.202 C.E.P. & R.I. fund--Abolished--Appropriations to be paid from and warrants drawn on account in general fund.

Applicable Cases

On and after March 20, 1961, the C.E.P. & R.I. fund is abolished; all appropriations made by the thirty-seventh legislature from such abolished fund shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund and all warrants drawn on the C.E.P. & R.I. fund prior to March 20, 1961 and not theretofore presented for payment shall be paid from the charitable, educational, penal and reformatory institutions account in the general fund.

[1965 c 8 § 43.79.202. Prior: 1961 c 170 § 2.]

RCW 43.79.210 Federal cooperative extension fund.

Applicable Cases

There shall be in the state treasury a fund known as the federal cooperative agricultural extension fund, and all moneys paid into the state treasury for, or to the credit of, the Smith-Lever and Capper-Ketcham funds shall be placed in the federal cooperative agricultural extension fund.

[1965 c 8 § 43.79.210. Prior: 1935 c 63 § 1; RRS § 5536-4.]

RCW 43.79.260 Governor designated state's agent.

Applicable Cases

The governor is designated the agent of the state to accept and receive all funds from federal and other sources not otherwise provided for by law and to deposit them in the state treasury to the credit of the appropriate fund or account.

[1973 c 144 § 1; 1965 c 8 § 43.79.260. Prior: 1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]

RCW 43.79.270 Unanticipated receipts--Duty of department heads.

Applicable Cases

(1) Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the joint legislative audit and review committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

(2) Notwithstanding subsection (1) of this section, whenever money from any source that was not anticipated in the transportation budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of a department, agency, board, or commission through which the expenditure must be made shall submit to the governor a statement, which may be in the form of a request for an allotment amendment, setting forth the facts constituting the need for the expenditure and the estimated amount to be expended. However, no expenditure may be made in excess of the actual amount received, and no money may be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated transportation fund or account in excess of appropriations provided by law that is based on the receipt of unanticipated revenues must be submitted, at a minimum, to the standing committees on transportation of the house and senate, if the legislature is in session, at the same time as it is transmitted to the governor. During the legislative interim, any such proposal must be submitted to the legislative transportation committee.

[1998 c 177 § 1; 1996 c 288 § 37; 1973 c 144 § 2; 1965 c 8 § 43.79.270. Prior: 1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]

RCW 43.79.280 Unanticipated receipts--Duty of governor on approval.

Applicable Cases

(1) If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the joint legislative audit and review committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

(2) If the governor approves an estimate with transportation funding implications, in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval of a proposal to expend transportation money in excess of appropriations provided by law and a statement of the amount approved for expenditure must be transmitted simultaneously to the standing committees on transportation of the house and senate. During the legislative interim, all estimate approvals endorsed by the governor along with a statement of the amount approved in the form of an allotment amendment must be transmitted simultaneously to the legislative transportation committee.

[1998 c 177 § 2; 1996 c 288 § 38; 1973 c 144 § 3; 1965 c 8 § 43.79.280. Prior: 1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]

RCW 43.79.282 Compliance with RCW 43.79.260 through 43.79.280.

Applicable Cases

No state department, agency, board, or commission shall expend money in excess of appropriations provided by law based on the receipt of unanticipated revenues without complying with the provisions of RCW 43.79.260 through 43.79.280.

[1973 c 144 § 4.]

RCW 43.79.300 Central College fund--Moneys transferred to general fund.

Applicable Cases

All moneys in the state treasury to the credit of the Central College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Central College fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.300. Prior: 1955 c 333 § 1.]

RCW 43.79.301 Central College fund--Appropriations to be paid from general fund.

Applicable Cases

From and after the first day of April, 1955, all appropriations made by the thirty-fourth

legislature from the Central College fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.301. Prior: 1955 c 333 § 2.]

RCW 43.79.302 Central College fund--Abolished.

Applicable Cases

From and after the first day of May, 1955, the Central College fund is abolished.

[1965 c 8 § 43.79.302. Prior: 1955 c 333 § 3.]

RCW 43.79.303 Central College fund--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of May, 1955, all warrants drawn on the Central College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.303. Prior: 1955 c 333 § 4.]

RCW 43.79.304 Central College fund--Other revenue for support of Central Washington University.

Applicable Cases

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Central College fund, shall be used for any purpose except the support of the Central Washington University (formerly Central Washington State College).

[1977 ex.s. c 169 § 106; 1965 c 8 § 43.79.304. Prior: 1955 c 333 § 5.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.310 Eastern College fund--Moneys transferred to general fund.

Applicable Cases

All moneys in the state treasury to the credit of the Eastern College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Eastern College fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.310. Prior: 1955 c 334 § 1.]

RCW 43.79.311 Eastern College fund--Appropriations to be paid from general fund.

Applicable Cases

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Eastern College fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.311. Prior: 1955 c 334 § 2.]

RCW 43.79.312 Eastern College fund--Abolished.

Applicable Cases

From and after the first day of May, 1955, the Eastern College fund is abolished.

[1965 c 8 § 43.79.312. Prior: 1955 c 334 § 3.]

RCW 43.79.313 Eastern College fund--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of May, 1955, all warrants drawn on the Eastern College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.313. Prior: 1955 c 334 § 4.]

RCW 43.79.314 Eastern College fund--Other revenue for support of Eastern Washington University.

Applicable Cases

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Eastern College fund, shall be used for any purpose except the support of the Eastern Washington University (formerly Eastern Washington State College).

[1977 ex.s. c 169 § 107; 1965 c 8 § 43.79.314. Prior: 1955 c 334 § 5.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.320 Western College fund--Moneys transferred to general fund.

Applicable Cases

All moneys in the state treasury to the credit of the Western College fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the Western College fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.320. Prior: 1955 c 335 § 1.]

RCW 43.79.321 Western College fund--Appropriations to be paid from general fund.

Applicable Cases

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the Western College fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.321. Prior: 1955 c 335 § 2.]

RCW 43.79.322 Western College fund--Abolished.

Applicable Cases

From and after the first day of May, 1955, the Western College fund is abolished.

[1965 c 8 § 43.79.322. Prior: 1955 c 335 § 3.]

RCW 43.79.323 Western College fund--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of May, 1955, all warrants drawn on the Western College fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.323. Prior: 1955 c 335 § 4.]

RCW 43.79.324 Western College fund--Other revenue for support of Western Washington University.

Applicable Cases

No revenue from any source other than the general fund, which, except for the provisions hereof, would have been paid into the Western College fund, shall be used for any purpose except the support of the Western Washington University (formerly Western Washington State College).

[1977 ex.s. c 169 § 108; 1965 c 8 § 43.79.324. Prior: 1955 c 335 § 5.]

Notes:

Severability--Nomenclature--Savings--1977 ex.s. c 169: See notes following RCW 28B.10.016.

RCW 43.79.330 Miscellaneous state funds--Moneys transferred to accounts in the state treasury.

Applicable Cases

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state treasury, the creation of which is hereby authorized:

- (1) Capitol building construction fund moneys, to the capitol building construction account;
- (2) Cemetery fund moneys, to the cemetery account;
- (3) Feed and fertilizer fund moneys, to the feed and fertilizer account;
- (4) Forest development fund moneys, to the forest development account;
- (5) Harbor improvement fund moneys, to the harbor improvement account;
- (6) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- (7) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
- (8) Real estate commission fund moneys, to the real estate commission account;
- (9) Reclamation revolving fund moneys, to the reclamation revolving account;
- (10) University of Washington building fund moneys, to the University of Washington building account; and
- (11) State College of Washington building fund moneys, to the Washington State University building account.

[1991 sp.s. c 13 § 3; 1985 c 57 § 38; 1981 c 242 § 3; 1980 c 32 § 3; 1979 ex.s. c 67 § 3; 1965 c 8 § 43.79.330. Prior: 1959 c 273 § 6; 1957 c 115 § 6; 1955 c 370 § 1.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Effective dates--1981 c 242: "Sections 1, 2, and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981. Section 3 of this act shall take effect September 1, 1981." [1981 c 242 § 5.] Sections 1, 2, and 3 of this act are the 1981 c 242 amendments to RCW 43.33A.160, 43.84.090, and 43.79.330, respectively. Section 4 of this act consists of the enactment of RCW 43.79.435.

Effective date--1980 c 32 § 3: "Section 3 of this act shall take effect September 1, 1981." [1980 c 32 § 4.]

Severability--1979 ex.s. c 67: See note following RCW 19.28.330.

RCW 43.79.331 Miscellaneous state funds--Abolished.

Applicable Cases

From and after the first day of May, 1955, all funds from which moneys are transferred to general fund accounts pursuant to RCW 43.79.330, are abolished.

[1965 c 8 § 43.79.331. Prior: 1955 c § 370 § 2.]

RCW 43.79.332 Miscellaneous state funds--Appropriations of 34th legislature to be paid from general fund.

Applicable Cases

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from any of the funds abolished by RCW 43.79.331, shall be paid from the general fund from the account to which the moneys of the abolished fund have been transferred by RCW 43.79.330.

[1965 c 8 § 43.79.332. Prior: 1955 c 370 § 3.]

RCW 43.79.333 Miscellaneous state funds--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of May, 1955, all warrants drawn on any fund abolished by RCW 43.79.331 and not theretofore presented for payment, shall be paid from the general fund from the account to which the moneys of the abolished fund are directed by RCW 43.79.330 to be transferred.

[1965 c 8 § 43.79.333. Prior: 1955 c 370 § 4.]

RCW 43.79.334 Miscellaneous state funds--Expenditures--Revenue from other than general fund.

Applicable Cases

Expenditures from any account described in RCW 43.79.330 shall be limited to the moneys credited to the account. No revenue from any source other than the general fund, which, except for the provisions of RCW 43.79.330 through 43.79.334, would have been paid into any

fund other than the general fund, shall be used for any purpose except those purposes for which such moneys were authorized prior to the enactment hereof.

[1965 c 8 § 43.79.334. Prior: 1955 c 370 § 5.]

RCW 43.79.335 Miscellaneous state funds--Washington State University building account.

Applicable Cases

Upon and after June 30, 1961 the account in the state treasury known as the "State College of Washington Building Account" shall be known and referred to as the "Washington State University Building Account." This section shall not be construed as effecting any change in such fund other than the name thereof and as otherwise provided by law.

[1985 c 57 § 39; 1965 c 8 § 43.79.335. Prior: 1961 ex.s. c 11 § 3.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.79.336 Puget Sound pilotage account redesignated as pilotage account.

Applicable Cases

See RCW 88.16.061.

RCW 43.79.340 General obligation bond retirement fund--Moneys transferred to general fund.

Applicable Cases

All moneys in the state treasury to the credit of the general obligation bond retirement fund on the first day of May, 1955, and all moneys thereafter paid into the state treasury for or to the credit of the general obligation bond retirement fund, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.340. Prior: 1955 c 330 § 1.]

RCW 43.79.341 General obligation bond retirement fund--Appropriations of 34th legislature to be paid from general fund.

Applicable Cases

From and after the first day of April, 1955, all appropriations made by the thirty-fourth legislature from the general obligation bond retirement fund shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.341. Prior: 1955 c 330 § 2.]

RCW 43.79.342 General obligation bond retirement fund--Abolished.

Applicable Cases

From and after the first day of May, 1955, the general obligation bond retirement fund is abolished.

[1965 c 8 § 43.79.342. Prior: 1955 c 330 § 3.]

RCW 43.79.343 General obligation bond retirement fund--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of May, 1955, all warrants drawn on the general obligation bond retirement fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.343. Prior: 1955 c 330 § 4.]

RCW 43.79.350 Suspense account.

Applicable Cases

There is established in the state treasury a special account to be known as the suspense account. All moneys which heretofore have been deposited with the state treasurer in the state treasurer's suspense fund, and moneys hereafter received which are contingent on some future action, or which cover overpayments and are to be refunded to the sender in part or whole, and any other moneys of which the final disposition is not known, shall be transmitted to the state treasurer and deposited in the suspense account.

[1985 c 57 § 40; 1981 2nd ex.s. c 4 § 6; 1965 c 8 § 43.79.350. Prior: 1955 c 226 § 1.]

Notes:

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

RCW 43.79.370 Suspense account--Disbursements--Vouchers--Warrants.

Applicable Cases

Disbursement from the suspense account (not to exceed receipts), shall be by warrant issued against the account by the state treasurer, upon a properly authenticated voucher presented by the state department or office which deposited the moneys in the account.

[1981 2nd ex.s. c 4 § 7; 1965 c 8 § 43.79.370. Prior: 1955 c 226 § 3.]

Notes:

Severability--1981 2nd ex.s. c 4: See note following RCW 43.85.130.

RCW 43.79.381 Penitentiary revolving account abolished.

Applicable Cases

From and after the first day of August, 1957, the penitentiary revolving account is abolished.

[1965 c 8 § 43.79.381. Prior: 1957 c 115 § 2.]

RCW 43.79.390 United States vocational education account--Moneys transferred to general fund.

Applicable Cases

All moneys in the state treasury to the credit of the United States vocational education account in the general fund on August 1, 1957, and all moneys thereafter paid into the state treasury for or to said account, shall be and are hereby transferred to and placed in the general fund.

[1965 c 8 § 43.79.390. Prior: 1957 c 226 § 1.]

RCW 43.79.391 United States vocational education account--Appropriations to be paid from general fund.

Applicable Cases

From and after the first day of July, 1957, all appropriations made by the thirty-fifth legislature from the United States vocational education account shall be paid out of moneys in the general fund.

[1965 c 8 § 43.79.391. Prior: 1957 c 226 § 2.]

RCW 43.79.392 United States vocational education account--Abolished.

Applicable Cases

From and after the first day of August, 1957, the United States vocational education account in the general fund is abolished.

[1965 c 8 § 43.79.392. Prior: 1957 c 226 § 3.]

RCW 43.79.393 United States vocational education account--Warrants to be paid from general fund.

Applicable Cases

From and after the first day of August, 1957, all warrants drawn on the United States vocational education account in the general fund and not presented for payment shall be paid from the general fund, and it shall be the duty of the state treasurer and he is hereby directed to pay such warrants when presented from the general fund.

[1965 c 8 § 43.79.393. Prior: 1957 c 226 § 4.]

RCW 43.79.400 State payroll revolving account, agency payroll revolving fund--Created--Utilization.

Applicable Cases

See RCW 42.16.011.

RCW 43.79.405 Parks and parkways account abolished--Funds transferred to general fund.

Applicable Cases

The state parks and parkways account created under section 43.79.330(15), chapter 8, Laws of 1965, is hereby abolished and all funds remaining therein at August 1, 1969, transferred to the state general fund.

[1969 c 99 § 4.]

Notes:

Effective date--1969 c 99: The effective date of this section is July 1, 1969; see note following RCW 79A.05.070.

RCW 43.79.410 Legal services revolving fund--Created--Purpose--Uses.

Applicable Cases

See RCW 43.10.150 through 43.10.200.

RCW 43.79.420 Miscellaneous state funds--Moneys transferred to basic state general fund.

Applicable Cases

All moneys to the credit of the following state funds or accounts on the first day of July, 1973, are hereby transferred to the basic state general fund:

- (1) Mass transit trust moneys;
- (2) Probation services moneys;
- (3) Columbia river gorge commission moneys;
- (4) Washington state song proceeds moneys;
- (5) Juvenile correction institution building construction fund moneys.

[1973 1st ex.s. c 59 § 3.]

Notes:

Effective date--1973 1st ex.s. c 59: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 59 § 7.]

RCW 43.79.421 Miscellaneous state funds--Abolished.

Applicable Cases

From and after the first day of July, 1973, all funds from which moneys are transferred to the basic state general fund pursuant to subsections (1), (2), (4), and (5) of RCW 43.79.420 are abolished.

[1973 1st ex.s. c 59 § 4.]

Notes:

Effective date--1973 1st ex.s. c 59: See note following RCW 43.79.420.

RCW 43.79.422 Miscellaneous state funds--Warrants to be paid from basic state general fund.

Applicable Cases

From and after the first day of July, 1973, all warrants drawn on any fund abolished by RCW 43.79.421 and not theretofore presented for payment, shall be paid from the basic state general fund.

[1973 1st ex.s. c 59 § 5.]

Notes:

Effective date--1973 1st ex.s. c 59: See note following RCW 43.79.420.

RCW 43.79.423 Miscellaneous state funds or accounts--Moneys transferred to state general fund.

Applicable Cases

All moneys to the credit of the following state funds or accounts as of September 8, 1975 are transferred to the state general fund on that date:

(1) The public school building construction account of the general fund created under RCW 43.79.330; and

(2) The general administration construction fund in the general fund created under *RCW 43.82.090.

[1975 1st ex.s. c 91 § 1.]

Notes:

***Reviser's note:** RCW 43.82.090 was repealed by 1994 c 219 § 20.

RCW 43.79.425 Current state school fund--Abolished--Moneys transferred.

Applicable Cases

On and after June 12, 1980, the current state school fund is abolished and the state treasurer shall transfer any moneys in such account on such June 12, 1980, or any moneys thereafter received for such account, to the common school construction fund as referred to in RCW 28A.515.320.

[1990 c 33 § 581; 1980 c 6 § 6.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.
Severability--1980 c 6: See note following RCW 28A.515.320.

RCW 43.79.430 Moneys from Inland Power & Light company to be deposited in general fund.

Applicable Cases

All monies received from the Inland Power & Light company, its successors and assigns, in virtue of an agreement made and entered into between said company and the State of Washington on August 31, 1932, relating to a fish hatchery on Lewis river, shall be deposited in the general fund.

[1980 c 32 § 1; 1933 c 123 § 1.]

Notes:

Effective date--1980 c 32 § 1: "Section 1 of this act shall take effect September 1, 1981." [1980 c 32 § 2.]

RCW 43.79.435 Investment reserve account abolished--Deposit of moneys.

Applicable Cases

The investment reserve account is hereby abolished. All moneys in the investment reserve account on *the effective date of this act shall be deposited in the general fund.

[1981 c 242 § 4.]

Notes:

***Reviser's note:** For "the effective date of this act," see note following RCW 43.79.330.

Effective dates--1981 c 242: See note following RCW 43.79.330.

RCW 43.79.440 Loan principal and interest fund.

Applicable Cases

In order to alleviate temporary cash flow deficiencies in the general fund, it has been and will continue to be necessary to borrow funds through issuance of certificates of indebtedness and to pay interest costs on outstanding certificates of indebtedness and to retire the principal thereof. In order to account for the interest cost of the loans and to pay the principal thereof, there is hereby created in the state treasury the loan principal and interest fund. All principal and interest payments required on certificates of indebtedness will be withdrawn from any general state revenues in the treasury and deposited in the loan principal and interest fund at the time or times required by the terms thereof and such loan principal and interest shall be paid from the loan principal and interest fund according to the terms and schedules established for such certificates.

[1983 c 189 § 8.]

Notes:

Severability--1983 c 189: See note following RCW 82.24.260.

RCW 43.79.441 Transfer of moneys from certain school bond and state building construction accounts and funds to general fund--Payment of warrants.

Applicable Cases

After July 24, 1983, all moneys to the credit of any fund or account described in the sections being repealed by sections 1 and 4, chapter 189, Laws of 1983 and all moneys thereafter paid to the state treasurer for or to the credit of such fund or account shall be transferred to the general fund. After July 24, 1983, any warrant drawn on any fund or account described in the sections being repealed by sections 1 and 4, chapter 189, Laws of 1983 and not presented for payment shall be paid from the general fund, and the state treasurer shall pay such warrants when presented from the general fund.

[1983 c 189 § 5.]

Notes:

Severability--1983 c 189: See note following RCW 82.24.260.

RCW 43.79.442 Transfer of moneys from certain highway construction accounts and funds to general fund--Payment of warrants.

Applicable Cases

After July 24, 1983, all moneys to the credit of any fund or account described in the sections being repealed by section 6, chapter 189, Laws of 1983 and all moneys thereafter paid to

the state treasurer for or to the credit of such fund or account shall be transferred to the motor vehicle fund. After July 24, 1983, any warrant drawn on any fund or account described in the sections being repealed by section 6, chapter 189, Laws of 1983 and not presented for payment shall be paid from the motor vehicle fund, and the state treasurer shall pay such warrants when presented from the motor vehicle fund.

[1983 c 189 § 7.]

Notes:

Severability--1983 c 189: See note following RCW 82.24.260.

RCW 43.79.445 Death investigations account--Disbursal.

Applicable Cases

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 1997-99 biennium for the purposes of state-wide child mortality reviews administered by the department of health.

The University of Washington and the Washington state forensic investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

[1997 c 454 § 901; 1995 c 398 § 9; 1991 sp.s. c 13 § 21; 1991 c 176 § 4; 1986 c 31 § 2; 1985 c 57 § 41; 1983 1st ex.s. c 16 § 18.]

Notes:

Severability--1997 c 454: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 454 § 1801.]

Effective date--1997 c 454: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 20, 1997]." [1997 c 454 § 1802.]

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1986 c 31: See note following RCW 28B.20.426.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--Effective date--1983 1st ex.s. c 16: See RCW 43.103.900 and 43.103.901.

RCW 43.79.455 Capitol purchase and development account.

Applicable Cases

The capitol purchase and development account is hereby created in the state treasury.

[1987 c 350 § 2.]

Notes:

Effective date--1987 c 350: See note following RCW 79.24.580.

RCW 43.79.460 Savings incentive account--Report to legislative committees.

Applicable Cases

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of fiscal [financial] management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, 1998, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account.

[1998 c 302 § 1; 1997 c 261 § 1.]

Notes:

Effective date--1997 c 261: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 6, 1997]." [1997 c 261 § 3.]

RCW 43.79.465 Education savings account.

Applicable Cases

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.10.868; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.10.882; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, and (b) technology improvements in the common schools.

[1998 c 302 § 2; 1997 c 261 § 2. Formerly RCW 28A.305.235.]

Notes:

Effective date--1997 c 261: See note following RCW 43.79.460.

RCW 43.79.480 Tobacco settlement account--Tobacco prevention and control account.

Applicable Cases

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation.

(4) The state treasurer shall transfer one hundred million dollars from the tobacco settlement account to the tobacco prevention and control account upon authorization of the director of financial management. The director shall authorize transfer of the total amount by June 30, 2001.

[1999 c 309 § 927.]

Notes:

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: "(1) Sections 927, 928, 931, and 1101 through 1902 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 14, 1999].

(2) Section 929 of this act takes effect September 1, 2000." [1999 c 309 § 2002.]

Severability--1999 c 309: See note following RCW 41.45.063.

Chapter 43.79A RCW TREASURER'S TRUST FUND

RCW

43.79A.010	Purpose.
43.79A.020	Treasurer's trust fund--Created--Nontreasury trust funds to be placed in--Exceptions.
43.79A.030	Segregation--Withdrawals.
43.79A.040	Management--Income--Investment income account--Distribution.

Notes:

Investment accounting: RCW 43.33A.180.

RCW 43.79A.010 Purpose.

Applicable Cases

This chapter shall apply to all trust funds which are in the official custody of the state treasurer but are not required by law to be maintained in the state treasury. The purpose of this chapter is to establish a system for the centralized management, protection and control of such funds, hereinafter referred to as nontreasury trust funds, and to assure their investment in such a manner as to realize the maximum possible return consistent with safe and prudent fiscal management.

[1973 1st ex.s. c 15 § 1.]

RCW 43.79A.020 Treasurer's trust fund--Created--Nontreasury trust funds to be placed in--Exceptions.

Applicable Cases

There is created a trust fund outside the state treasury to be known as the "treasurer's trust fund." All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973, shall be placed in the treasurer's trust fund and be subject to the terms of this chapter. Funds of the state department of transportation shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the department. In order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable. Except for department of transportation trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. All income received from the treasurer's trust fund investments shall be deposited

in the investment income account pursuant to RCW 43.79A.040.

[1991 sp.s. c 13 § 81; 1984 c 7 § 47; 1973 1st ex.s. c 15 § 2.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 43.79A.030 Segregation--Withdrawals.

Applicable Cases

The state treasurer shall be responsible for maintaining segregated accounts of moneys of each fund which is deposited in the treasurer's trust fund. Except as provided by law, all money deposited in the treasurer's trust fund shall be held in trust by the state treasurer and may be withdrawn only upon the order of the depositing agency or its disbursing officer.

[1973 1st ex.s. c 15 § 3.]

RCW 43.79A.040 Management--Income--Investment income account--Distribution.

Applicable Cases

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility grant account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate

share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

[1999 c 384 § 8; 1999 c 182 § 2; 1998 c 268 § 1. Prior: 1997 c 368 § 8; 1997 c 289 § 13; 1997 c 220 § 221 (Referendum Bill No. 48, approved June 17, 1997); 1997 c 140 § 6; 1997 c 94 § 3; 1996 c 253 § 409; prior: 1995 c 394 § 2; 1995 c 365 § 1; prior: 1993 sp.s. c 8 § 2; 1993 c 500 § 5; 1991 sp.s. c 13 § 82; 1973 1st ex.s. c 15 § 4.]

Notes:

Reviser's note: This section was amended by 1999 c 182 § 2 and by 1999 c 384 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

Findings--Intent--Rules adoption--Severability--Effective date--1997 c 368: See notes following RCW 82.08.810.

Referendum--Other legislation limited--Legislators' personal intent not indicated--Reimbursements for election--Voters' pamphlet, election requirements--1997 c 220: See RCW 36.102.800 through 36.102.803.

Part headings not law--Severability--1997 c 220: See RCW 36.102.900 and 36.102.901.

Intent--1997 c 140: See note following RCW 47.12.330.

Effective date--1997 c 94: See note following RCW 47.04.210.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

Effective date--1995 c 394: See note following RCW 43.84.092.

Effective date--1995 c 365: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995." [1995 c 365 § 2.]

Effective date--Application--1993 sp.s. c 8: See note following RCW 43.84.092.

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Chapter 43.80 RCW FISCAL AGENCIES

RCW

43.80.100	Definitions.
43.80.110	Appointment of fiscal agencies--Location--Places for payment of bonds.
43.80.120	Designation of fiscal agencies--Qualifications--Duration of designation--Compensation.
43.80.125	Appointment of fiscal agencies in connection with registered bonds--Contracting of services.
43.80.130	Receipts--Payment procedure--Cremation--Certificate of destruction.
43.80.140	Notice of establishment of fiscal agencies--Publication--Bonds and coupons paid at fiscal agencies.
43.80.150	Treasurers not responsible for funds remitted.
43.80.160	Return of funds remitted to redeem bonds and coupons which remain unredeemed.
43.80.900	Effective date--1969 ex.s. c 80.

Notes:

Highway bonds, registration: Chapter 47.10 RCW.

Registration of bonds with, fee: RCW 39.44.130.

State treasurer, fiscal agent of the state: RCW 43.08.090.

Trust companies, power to act as fiscal agent for public bodies: RCW 30.08.150.

RCW 43.80.100 Definitions.

Applicable Cases

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Fiscal agencies" means those banks or trust companies as designated in RCW 43.80.110 and 43.80.120.

(2) "Subdivision" means governmental agencies, counties, cities and towns, metropolitan municipal corporations, port districts, school districts, townships, public colleges and universities, public community colleges, municipal corporations, quasi municipal corporations, and all other such governmental agencies authorized to borrow and issue tenders of indebtedness therefor. Subdivision does not mean housing authorities and public utility districts.

(3) "Cremation" means the destruction of canceled bonds or coupons by any approved method, including but not limited to, cremation facilities, incineration facilities, shredding facilities, or dissolving in acid facilities.

[1984 c 7 § 48; 1969 ex.s. c 80 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 43.80.110 Appointment of fiscal agencies--Location--Places for payment of bonds.

Applicable Cases

Fiscal agencies shall be appointed for the payment of bonds and any coupons issued by this state or by any subdivision thereof. The appointed fiscal agencies may be located in any major city of the country. No bonds hereafter issued by this state or by any affected subdivision thereof, shall be by their terms made payable at a specific place other than: (1) The office of the designated fiscal agencies; (2) offices of the state or local treasurers or fiscal offices of any affected subdivision; or (3) the offices of trustees if provided for in the indenture, as provided for by the terms of the bonds. As used in this chapter, bonds do not include short-term obligations. Fiscal agencies may be authorized to register bonds in accordance with RCW 39.46.030.

Bonds and any coupons of subdivisions may be paid at one or more of the state's fiscal agents and/or at the office of the state treasurer or offices of local treasurers as provided for in the terms of the bonds.

[1983 c 167 § 117; 1982 c 216 § 1; 1969 ex.s. c 80 § 2.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

Issuance of short-term obligations by municipal corporations: Chapter 39.50 RCW.

RCW 43.80.120 Designation of fiscal agencies--Qualifications--Duration of designation--Compensation.

Applicable Cases

The state finance committee shall designate responsible banks or trust companies as fiscal agencies, each having a paid-up capital and surplus of not less than five million dollars. The state finance committee shall designate fiscal agencies by any method deemed appropriate to the best interests of this state and its subdivisions.

The state finance committee shall make duplicate certificates of such designations, cause them to be attested under the seal of the state, and file one copy of each certification in the office of the secretary of state and transmit the other to the bank or trust company designated.

The banks or trust companies so designated shall continue to be such fiscal agencies for the term of four years from and after the filing of the certificate of its designation, and thereafter until the designation of other banks or trust companies as such fiscal agencies.

Until successors have been appointed, the banks or trust companies named shall act as the fiscal agencies of the state of Washington in accordance with such terms as shall be agreed upon between the state finance committee and the fiscal agencies so designated. The manner and amount of compensation of the fiscal agents shall be matters specifically left for the state finance committee to determine.

If no such banks or trust companies are willing to accept appointment as fiscal agencies, or if the state finance committee considers unsatisfactory the terms under which such banks or trust companies are willing so to act, the bonds and bond interest coupons normally payable at the fiscal agency, shall thereupon become payable at the state treasury or at the office of the treasurer or fiscal officer of the subdivision concerned, as the case may be.

[1969 ex.s. c 80 § 3.]

RCW 43.80.125 Appointment of fiscal agencies in connection with registered bonds--Contracting of services.

Applicable Cases

(1) The fiscal agencies designated pursuant to RCW 43.80.110 and 43.80.120 may be appointed by the state treasurer or a local treasurer to act as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the issuance by the state or local government of registered bonds or other obligations pursuant to a system of registration as provided by RCW 39.46.030 and may establish and maintain on behalf of the state or local government a central depository system for the transfer or pledge of bonds or other obligations. The term "local government" shall be as defined in RCW 39.46.020.

(2) Whenever in the judgment of the fiscal agencies, certain services as registrar, authenticating agent, transfer agent, paying agent, or other agent in connection with the establishment and maintenance of a central depository system for the transfer or pledge of registered public obligations, or in connection with the issuance by any public entity of registered public obligations pursuant to a system of registration as provided in chapter 39.46 RCW, can be

secured from private sources more economically than by carrying out such duties themselves, they may contract out all or any of such services to such private entities as such fiscal agencies deem capable of carrying out such duties in a responsible manner.

[1995 c 38 § 10; 1994 c 301 § 14; 1985 c 84 § 3; 1983 c 167 § 11.]

Notes:

Acts of municipal officers ratified and confirmed--1995 c 38: See note following RCW 3.02.045.

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

RCW 43.80.130 Receipts--Payment procedure--Cremation--Certificate of destruction.

Applicable Cases

The fiscal agencies, on the receipt of any moneys transmitted to them by or for this state, or for any affected subdivision, for the purpose of paying therewith any of its bonds or coupons by their terms made payable at the situs of the state of Washington fiscal agencies, shall transmit forthwith to the sender of such moneys a proper receipt therefor; pay such bonds or coupons upon presentation thereof for payment at the office of the fiscal agencies at or after the maturity thereof, in the order of their presentation insofar as the moneys received for that purpose suffice therefor; and cancel all such bonds and coupons upon payment thereof, and thereupon forthwith return the same to the proper officers of this state or affected subdivisions which issued them; and, concerning the same, report to the state and/or affected subdivision within thirty days following a maturity date the amount of bonds and coupons presented and paid to that date: PROVIDED, That nothing herein shall prevent the state or any of the subdivisions thereof from designating its fiscal agencies, or the trustee of any revenue bond issue, or both, also as its agencies for cremation and to provide by agreement therewith, that after one year any general or revenue obligation bonds or interest coupons that have been canceled or paid, may be destroyed as directed by the proper officers of the state or other subdivisions hereinbefore mentioned: PROVIDED FURTHER, That a certificate of destruction giving full descriptive reference to the instruments destroyed shall be made by the person or persons authorized to perform such destruction and one copy of the certificate shall be filed with the treasurer of the state or local subdivisions as applicable. Whenever said treasurer has redeemed any of the bonds or coupons referred to in this section through his local office, or whenever such redemption has been performed by the trustee of any revenue bond issue, and the canceled instruments or certificates of transmittal thereafter have been forwarded to said treasurer for recording, such canceled instruments may be forwarded to the fiscal agents designated as agents for cremation for destruction pursuant to any agreements therefor, or said treasurer may, notwithstanding any provision of state statute to the contrary, himself destroy such canceled instruments in the presence of the public officers or boards or their authorized representatives, which by law perform the auditing functions within the state or such political subdivisions as hereinbefore specified: PROVIDED, That he and the said auditing officers or boards shall execute a certificate of destruction, giving full descriptive reference to the instruments destroyed, which certificates shall be filed with those of the agencies for cremation herein designated. No certificate required by this section shall be destroyed until all of the bonds and coupons of the

issue or series described thereon shall have matured and been paid or canceled.

[1969 ex.s. c 80 § 4.]

RCW 43.80.140 Notice of establishment of fiscal agencies--Publication--Bonds and coupons paid at fiscal agencies.

Applicable Cases

The state finance committee shall, immediately after the establishment of fiscal agencies, publish a notice thereof, once a week for two consecutive weeks, in some financial newspaper of general circulation in cities designated as headquarters of the fiscal agents. All bonds and coupons of this state or of any affected subdivision thereafter issued shall be paid at the designated fiscal agencies or at such other place as allowed by law and provided for in the bonds.

[1969 ex.s. c 80 § 5.]

RCW 43.80.150 Treasurers not responsible for funds remitted.

Applicable Cases

Neither the state treasurer nor the treasurer or other fiscal officer of any subdivision thereof shall be held responsible for funds remitted to the fiscal agencies.

[1969 ex.s. c 80 § 6.]

RCW 43.80.160 Return of funds remitted to redeem bonds and coupons which remain unredeemed.

Applicable Cases

Upon the written request of the state or local treasurer, after a period of one year after the last legal payment date on matured bonds of the state of Washington and of its subdivisions, the funds remitted to fiscal agencies to redeem coupons and bonds which are subsequently unredeemed by the holders of the bonds and coupons, shall herewith be returned to the state treasurer or the local treasurer as the case may be. The state or local treasurer shall remain obligated for the final redemption of the unredeemed bonds or coupons.

[1969 ex.s. c 80 § 7.]

RCW 43.80.900 Effective date--1969 ex.s. c 80.

Applicable Cases

This act shall take effect on April 1, 1971, or at such time that the present fiscal agent agreement, contracted through April 1, 1971, is abrogated.

[1969 ex.s. c 80 § 8.]

**Chapter 43.81 RCW
STATE-OWNED LIVING FACILITIES**

RCW
43.81.010 Legislative declaration.

- 43.81.020 Availability of state-owned or leased living facilities.
- 43.81.030 Rent--Custodial housekeeping--Damages.
- 43.81.040 Maintenance in safe, healthful condition.

RCW 43.81.010 Legislative declaration.

Applicable Cases

The legislature recognizes that significant benefits accrue to the state and that certain types of state operations are more efficient when personnel services are available on an extended basis. Such operations include certain types of facilities managed by agencies such as the departments of natural resources, corrections, fish and wildlife, social and health services, transportation, and veterans affairs, and the parks and recreation commission.

The means of assuring that such personnel are available on an extended basis is through the establishment of on-site state-owned or leased living facilities. The legislature also recognizes the restrictions and hardship placed upon those personnel who are required to reside in such state-owned or leased living facilities in order to provide extended personnel services.

The legislature further recognizes that there are instances where it is to the benefit of the state to have state-owned or leased living facilities occupied even though such occupancy is not required by the agency as a condition of employment.

[1994 c 264 § 27; 1988 c 36 § 19; 1985 c 463 § 1.]

RCW 43.81.020 Availability of state-owned or leased living facilities.

Applicable Cases

(1) Whenever an agency requires that an employee reside in state-owned or leased living facilities as a condition of employment, such living facilities shall be made available to the employee under the conditions set forth in RCW 43.81.030 and 43.81.040.

(2) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) it would be to the agency's benefit to have the facility occupied by an employee of the agency whose duties involve extended personnel services associated with the work site upon which the living facility is located or at work site near to where the living facility is located, the agency may make the facility available to such employee.

(3) Whenever an agency determines that (a) a living facility owned or leased by the agency is not occupied by employees under subsection (1) of this section and (b) the facility has been made available to employees under subsection (2) of this section and that no such employees have opted to reside in the facility, the agency may make the facility available for occupancy to other interested parties.

[1985 c 463 § 2.]

RCW 43.81.030 Rent--Custodial housekeeping--Damages.

Applicable Cases

(1) No rent may be charged to persons living in facilities provided under RCW 43.81.020(1). Such employees shall pay the costs of utilities associated with the living facility.

(2) Any person occupying state-owned or leased living facilities shall do so with the understanding that he or she assumes custodial housekeeping responsibility as directed by the agency. Such responsibility shall not include maintenance, repairs, or improvements to the facilities. An occupant of a state-owned or leased facility is liable for damages to the facility in excess of normal wear and tear.

[1989 c 11 § 16; 1985 c 463 § 3.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 43.81.040 Maintenance in safe, healthful condition.

Applicable Cases

The state shall maintain living facilities occupied under RCW 43.81.020 in a safe, healthful condition.

[1985 c 463 § 4.]

**Chapter 43.82 RCW
STATE AGENCY HOUSING**

RCW

43.82.010	Acquisition, lease, and disposal of real estate for state agencies--Long-range planning--Use of lease as collateral or security--Colocation and consolidation--Studies--Delegation of functions--Exemptions.
43.82.020	Approval by capitol committee when real estate located in Thurston county.
43.82.030	Acquisition of property and rights declared public use--Eminent domain.
43.82.110	Lease of space--Surplus space.
43.82.120	General administration services account--Rental income.
43.82.125	Authorized uses for general administration services account.
43.82.130	Powers and duties of director.
43.82.140	Insurance on buildings.
43.82.150	Inventory of state-owned or leased facilities--Report.
43.82.160	Plant operation and support program--Information and technical assistance--Voluntary charges and fees.

Notes:

Agricultural commodity commissions exempt: RCW 15.04.200.

RCW 43.82.010 Acquisition, lease, and disposal of real estate for state agencies--Long-range planning--Use of lease as collateral or security--Colocation and consolidation--Studies--Delegation of functions--Exemptions.

Applicable Cases

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or

unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state

services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

[1997 c 117 § 1. Prior: 1994 c 264 § 28; 1994 c 219 § 7; 1990 c 47 § 1; 1988 c 36 § 20; 1982 c 41 § 1; 1969 c 121 § 1; 1967 c 229 § 1; 1965 c 8 § 43.82.010; prior: 1961 c 184 § 1; 1959 c 255 § 1.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

Effective dates--1982 c 41: "This act shall take effect July 1, 1982, with the exception of section 2 of this act, which shall take effect July 1, 1983." [1982 c 41 § 3.]

Departments to share occupancy costs--Capital projects surcharge: RCW 43.01.090.

East capitol site, acquisition and development: RCW 79.24.500 through 79.24.530.

Public works: Chapter 39.04 RCW.

Use of general administration services account in acquiring real estate: RCW 43.19.500.

RCW 43.82.020 Approval by capitol committee when real estate located in Thurston county.

Applicable Cases

The acquisition of real estate, and use thereof, shall be subject to the approval of the state capitol committee when the real estate is located in Thurston county.

[1965 c 8 § 43.82.020. Prior: 1961 c 184 § 2; 1959 c 255 § 2.]

RCW 43.82.030 Acquisition of property and rights declared public use--Eminent domain.

Applicable Cases

The acquisition of any real property or any rights or interests therein for the purpose of this chapter is hereby declared to be for a public use. In furtherance of the purposes of this chapter, the right of eminent domain may be exercised as provided for in chapter 8.04 RCW.

[1965 c 8 § 43.82.030. Prior: 1959 c 255 § 3.]

RCW 43.82.110 Lease of space--Surplus space.

Applicable Cases

All office or other space made available through the provisions of this chapter shall be leased by the director to such state or federal agencies, for such rental, and on such terms and conditions as he or she deems advisable: PROVIDED, HOWEVER, If space becomes surplus, the director is authorized to lease office or other space in any project to any person, corporation or body politic, for such period as the director shall determine said space is surplus, and upon such other terms and conditions as he or she may prescribe.

[1994 c 219 § 13; 1969 c 121 § 2; 1965 c 8 § 43.82.110. Prior: 1961 c 184 § 4; 1959 c 255 § 11.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.82.120 General administration services account--Rental income.

Applicable Cases

All rental income collected by the department of general administration from rental of state buildings shall be deposited in the general administration services account.

[1998 c 105 § 14; 1994 c 219 § 14; 1965 c 8 § 43.82.120. Prior: 1961 c 184 § 5; 1959 c 255 § 12.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.82.125 Authorized uses for general administration services account.

Applicable Cases

The general administration services account shall be used to pay all costs incurred by the department in the operation of real estate managed under the terms of this chapter. Moneys received into the general administration services account shall be used to pay rent to the owner of the space for occupancy of which the charges have been made and to pay utility and operational costs of the space utilized by the occupying agency: PROVIDED, That moneys received into the account for occupancy of space owned by the state where utilities and other operational costs are covered by appropriation to the department of general administration shall be immediately transmitted to the general fund.

[1998 c 105 § 15; 1965 c 8 § 43.82.125. Prior: 1961 c 184 § 6.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

RCW 43.82.130 Powers and duties of director.

Applicable Cases

The director of the department of general administration is authorized to do all acts and things necessary or convenient to carry out the powers and duties expressly provided in this chapter.

[1965 c 8 § 43.82.130. Prior: 1959 c 255 § 13.]

RCW 43.82.140 Insurance on buildings.

Applicable Cases

The director may, in his discretion, obtain fire or other hazard insurance on any building under his management.

[1965 c 8 § 43.82.140. Prior: 1961 c 184 § 7.]

RCW 43.82.150 Inventory of state-owned or leased facilities--Report.

Applicable Cases

(1) The office of financial management shall develop and maintain an inventory system to account for all owned or leased facilities utilized by state government. At a minimum, the inventory system must include the location, type, condition, and size of each facility. In addition, for owned facilities, the inventory system must include the date and cost of original construction and the cost of any major remodeling or renovation. The inventory must be updated by June 30 of each year. The office of financial management shall publish a report summarizing information contained in the inventory system for each agency by October 1 of each year, beginning in 1997.

(2) All agencies, departments, boards, commissions, and institutions of the state of Washington shall provide to the office of financial management a complete inventory of owned and leased facilities by May 30, 1994. The inventory must be updated and submitted to the office of financial management by May 30 of each subsequent year. The inventories required under this subsection must be submitted in a standard format prescribed by the office of financial management.

(3) For the purposes of this section, "facilities" means buildings and other structures with walls and a roof. "Facilities" does not mean roads, bridges, parking areas, utility systems, and other similar improvements to real property.

[1997 c 96 § 2; 1993 c 325 § 1.]

Notes:

Findings--Purpose--1997 c 96: "The legislature finds that the capital stock of facilities owned by state agencies represents a significant financial investment by the citizens of the state of Washington, and that providing agencies with the tools and incentives needed to adequately maintain state facilities is critically important to realizing the full value of this investment. The legislature also finds that ongoing reporting of facility inventory, condition, and maintenance information by agencies will improve accountability and assist in the evaluation of budget requests and facility management by the legislature and governor. The purpose of this act is to ensure that recent enhancements to facility and maintenance reporting systems implemented by the office of financial management, and a new program created by the department of general administration to provide maintenance information and technical assistance to state and local agencies, are sustained into the future." [1997 c 96 § 1.]

Historic properties: RCW 27.34.310.

RCW 43.82.160 Plant operation and support program--Information and technical assistance--Voluntary charges and fees.

Applicable Cases

The department of general administration shall provide information, technical assistance, and consultation on physical plant operation and maintenance issues to state and local governments through the operation of a plant operation and support program. The program shall be funded by voluntary subscription charges and service fees.

[1997 c 96 § 3.]

Notes:

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

**Chapter 43.83 RCW
CAPITAL IMPROVEMENTS**

RCW

1959-1961 BOND ISSUE

- 43.83.010 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.
- 43.83.020 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.
- 43.83.030 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.040 Limited obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.050 Limited obligation bonds--Bonds are negotiable, legal investment and security.

1961-1963 BOND ISSUE

- 43.83.060 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.
- 43.83.062 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.
- 43.83.064 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.066 Limited obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.068 Limited obligation bonds--Bonds are negotiable, legal investment and security.

1965-1967 BOND ISSUE

- 43.83.070 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.
- 43.83.074 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.
- 43.83.076 General obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.078 General obligation bonds--Legal investment for state and local funds.
- 43.83.082 General obligation bonds--Capital improvement and capital project defined.
- 43.83.084 General obligation bonds--Referral to electorate.

1967-1969 BOND ISSUE

- 43.83.090 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.
- 43.83.094 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.

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- 43.83.096 General obligation bonds--Legislature may provide additional means of raising revenue.
- 43.83.098 General obligation bonds--Legal investment for state and local funds.
- 43.83.102 General obligation bonds--Capital improvement and capital project defined.
- 43.83.104 General obligation bonds--Referral to electorate.

1973 BOND ISSUE

- 43.83.110 General obligation bonds--Authorized--Issuance--Payment.
- 43.83.112 General obligation bonds--Powers and duties of state finance committee.
- 43.83.114 General obligation bonds--Anticipation notes--Proceeds.
- 43.83.116 General obligation bonds--Administration of proceeds from sale.
- 43.83.118 General obligation bonds--Payment from bond redemption fund--Procedure--General obligation of state.
- 43.83.120 General obligation bonds--Charges against state agencies to reimburse state general fund.
- 43.83.122 General obligation bonds--Legislature may provide additional means for payment.
- 43.83.124 General obligation bonds--Legal investment for state and other public bodies.
- 43.83.126 Severability--1973 1st ex.s. c 217.

1975 BOND ISSUE

- 43.83.130 General obligation bonds--Authorized--Issuance--Payment.
- 43.83.132 General obligation bonds--Powers and duties of state finance committee.
- 43.83.134 General obligation bonds--Anticipation notes--Proceeds.
- 43.83.136 General obligation bonds--Administration of proceeds from sale.
- 43.83.138 General obligation bonds--Payment from bond redemption fund--Procedure.
- 43.83.140 General obligation bonds--General obligation of state.
- 43.83.142 General obligation bonds--Charges against state agencies to reimburse state general fund.
- 43.83.144 General obligation bonds--Legislature may provide additional means for payment.
- 43.83.146 General obligation bonds--Legal investment for state and other public bodies.
- 43.83.148 Severability--1975 1st ex.s. c 249.

1979 BOND ISSUE

- 43.83.150 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.83.152 Form, terms, conditions, etc., of bonds.
- 43.83.154 Bond anticipation notes--Deposit of proceeds of bonds and notes in state building construction account and state general obligation bond retirement fund.
- 43.83.156 Administration of proceeds.
- 43.83.158 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.160 State general obligation bond retirement fund created--Trust fund for retirement of state general obligation bonds--Use of designated bond retirement accounts.
- 43.83.162 Separate accounting records required for each issue of bonds.
- 43.83.164 Payment on certain bonds from state general obligation bond retirement fund prohibited.
- 43.83.166 Legislature may provide additional means for payment of bonds.
- 43.83.168 Bonds legal investment for public funds.
- 43.83.170 Severability--1979 ex.s. c 230.

1981 BOND ISSUE

- 43.83.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

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- 43.83.174 Deposit of proceeds in state building construction account--Use.
- 43.83.176 Administration of proceeds.
- 43.83.178 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.180 Legislature may provide additional means for payment of bonds.
- 43.83.182 Bonds legal investment for public funds.

1983 BOND ISSUE

- 43.83.184 General obligation bonds--Authorized--Issuance--Appropriation required.
- 43.83.186 Deposit of proceeds in state building construction account--Use.
- 43.83.188 Administration of proceeds.
- 43.83.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.192 Legislature may provide additional means for payment of bonds.
- 43.83.194 Bonds legal investment for public funds.
- 43.83.196 Severability--1983 1st ex.s. c 54.

1984 BOND ISSUE

- 43.83.198 General obligation bonds--Authorized--Issuance--Price--Appropriation required.
- 43.83.200 Deposit of proceeds in state building construction account--Use.
- 43.83.202 Administration of proceeds.
- 43.83.204 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83.206 Legislature may provide additional means for payment of bonds.
- 43.83.208 Bonds legal investment for public funds.
- 43.83.210 Severability--1984 c 271.

Notes:

Indian cultural and educational facility bond issue: Chapter 37.14 RCW.

Washington State University Tree Fruit Research Center office-laboratory facility, financing: RCW 28B.30.600 through 28B.30.619.

1959-1961 BOND ISSUE

RCW 43.83.010 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.

Applicable Cases

For the purpose of furnishing funds to finance projects in the 1959-1961 capital budget, as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of ten million eighty-nine thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and

covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.010 through 43.83.050 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

[1965 c 8 § 43.83.010. Prior: 1959 ex.s. c 9 § 1.]

RCW 43.83.020 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

[1991 sp.s. c 13 § 46; 1987 1st ex.s. c 3 § 9; 1985 c 57 § 43; 1965 c 8 § 43.83.020. Prior: 1959 ex.s. c 9 § 2.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Severability--1987 1st ex.s. c 3: See RCW 43.99G.901.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83.030 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.

Applicable Cases

Retirement of the bonds and interest authorized by RCW 43.83.010 through 43.83.050 shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June 30th of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.010 through 43.83.050. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to the charges thereon created by chapters 229

and 230, Laws of 1949, and chapter 298, Laws of 1957. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.010 through 43.83.050, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.010 through 43.83.050 shall have been paid.

[1975 1st ex.s. c 278 § 26; 1965 c 8 § 43.83.030. Prior: 1959 ex.s. c 9 § 3.]

Notes:

Reviser's note: Chapter 298, Laws of 1957 and chapter 230, Laws of 1949 referred to herein were codified in chapter 72.99 RCW. The sections in chapter 72.99 RCW were repealed by 1983 c 189 § 4 and by 1979 c 67 § 18. Chapter 229, Laws of 1949 was codified in chapter 28A.47 RCW, which has been recodified as chapter 28A.525 RCW.

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.040 Limited obligation bonds--Legislature may provide additional means of raising revenue.

Applicable Cases

The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.010 through 43.83.050 and RCW 43.83.010 through 43.83.050 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

[1965 c 8 § 43.83.040. Prior: 1959 ex.s. c 9 § 4.]

RCW 43.83.050 Limited obligation bonds--Bonds are negotiable, legal investment and security.

Applicable Cases

The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

[1965 c 8 § 43.83.050. Prior: 1959 ex.s. c 9 § 5.]

1961-1963 BOND ISSUE

RCW 43.83.060 Limited obligation bonds--Authorized--Issuance, sale, form, payment, etc.--Continuation of tax levy.

Applicable Cases

For the purpose of furnishing funds to finance projects in the 1961-1963 capital budget,

as adopted by the legislature, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-seven million five hundred fifty-six thousand dollars to be paid and discharged not more than twenty years after date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds; and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner and from the proceeds of retail sales taxes as in RCW 43.83.060 through 43.83.068 provided. As a part of the contract of sale of the aforesaid bonds, the state undertakes to continue to levy the taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient funds to pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto: PROVIDED, That any bonds issued under authority of RCW 43.83.060 through 43.83.068 for the purpose of financing the construction of the correctional institution authorized by chapter 214, Laws of 1959, shall be so identified and shall be subject to call prior to the maturity date thereof. Such bonds shall be payable at such places as the state finance committee may provide. The state finance committee shall, in making its invitation or call for bids on the sale or issuance of such bonds, other than those governed by the proviso in this section, secure bids on the condition that the bonds may be called prior to maturity and it shall also secure bids on the condition that they shall not be subject to prior call.

[1965 c 8 § 43.83.060. Prior: 1961 ex.s. c 23 § 1.]

RCW 43.83.062 Limited obligation bonds--Proceeds to be deposited in state building construction account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation act of 1961, and for payment of the expense incurred in the printing, issuance, and sale of such bonds.

[1965 c 8 § 43.83.062. Prior: 1961 ex.s. c 23 § 2.]

RCW 43.83.064 Limited obligation bonds--Retirement from state building construction bond redemption fund--Retail sales tax collections, continuation of levy.

Applicable Cases

Retirement of the bonds and interest authorized by RCW 43.83.060 through 43.83.068

shall be from the state building construction bond redemption fund created by chapter 298, Laws of 1957. The state finance committee shall on or before June thirtieth of each year certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by RCW 43.83.060 through 43.83.068. The state treasurer shall thereupon deposit such amount in the state building construction bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections, and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, subject to and inferior only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof. As a part of the contract of sale of the bonds herein authorized, the state undertakes to continue to levy and collect a tax on retail sales equal to that portion thereof allocated to said fund as provided in RCW 43.83.060 through 43.83.068, and to place the proceeds thereof in the state building construction bond redemption fund and to make said fund available to meet said payments when due until all bonds and the interest thereon authorized under RCW 43.83.060 through 43.83.068 shall have been paid.

[1975 1st ex.s. c 278 § 27; 1965 c 8 § 43.83.064. Prior: 1961 ex.s. c 23 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.066 Limited obligation bonds--Legislature may provide additional means of raising revenue.

Applicable Cases

The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by RCW 43.83.060 through 43.83.068 and RCW 43.83.060 through 43.83.068 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

[1965 c 8 § 43.83.066. Prior: 1961 ex.s. c 23 § 4.]

RCW 43.83.068 Limited obligation bonds--Bonds are negotiable, legal investment and security.

Applicable Cases

The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county, and municipal deposits.

[1965 c 8 § 43.83.068. Prior: 1961 ex.s. c 23 § 5.]

1965-1967 BOND ISSUE

RCW 43.83.070 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.

Applicable Cases

For the purpose of providing needed capital improvements for the institutions of higher education, the department of institutions, the department of natural resources and other state agencies, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of forty million five hundred seventy-five thousand dollars, or so much thereof as shall be required to finance the capital projects set forth in *RCW 43.83.080, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: PROVIDED, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1965 ex.s. c 172 § 1.]

Notes:

*Reviser's note: RCW 43.83.080 was repealed by 1979 ex.s. c 67 § 18.

RCW 43.83.074 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.

Applicable Cases

The state building and higher education bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.070 through 43.83.084. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in said state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by

mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

[1975 1st ex.s. c 278 § 28; 1965 ex.s. c 172 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.076 General obligation bonds--Legislature may provide additional means of raising revenue.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.070 through 43.83.084 shall not be deemed to provide an exclusive method for such payment.

[1965 ex.s. c 172 § 4.]

RCW 43.83.078 General obligation bonds--Legal investment for state and local funds.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1965 ex.s. c 172 § 5.]

RCW 43.83.082 General obligation bonds--Capital improvement and capital project defined.

Applicable Cases

The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

[1965 ex.s. c 172 § 7.]

RCW 43.83.084 General obligation bonds--Referral to electorate.

Applicable Cases

RCW 43.83.070 through 43.83.084 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1966, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

[1965 ex.s. c 172 § 8.]

1967-1969 BOND ISSUE

RCW 43.83.090 General obligation bonds--Authorized--Issuance, sale, form, payment, etc.

Applicable Cases

For the purpose of providing needed capital improvements for the department of general administration, the institutions of higher education and the department of institutions, the state finance committee is authorized to issue, at any time prior to January 1, 1972, general obligation bonds of the state of Washington in the sum of sixty-three million fifty-nine thousand dollars or so much thereof as shall be required to finance the capital projects set forth in *RCW 43.83.100, to be paid and discharged within twenty years of the date of issuance.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: PROVIDED, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of six percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1967 ex.s. c 148 § 1.]

Notes:

*Reviser's note: RCW 43.83.100 was repealed by 1979 ex.s. c 67 § 18.

RCW 43.83.094 General obligation bonds--Retirement from state building and higher education bond redemption fund--Retail sales tax collections, continuation of levy.

Applicable Cases

The state building and higher education bond redemption fund is created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by RCW 43.83.090 through 43.83.104. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state building and higher education bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections; and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof which has been heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

[1975 1st ex.s. c 278 § 29; 1967 ex.s. c 148 § 3.]

Notes:

Construction--Severability--1975 1st ex.s. c 278: See notes following RCW 11.08.160.

RCW 43.83.096 General obligation bonds--Legislature may provide additional means of raising revenue.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 43.83.090 through 43.83.104 shall not be deemed to provide an exclusive method for such payment.

[1967 ex.s. c 148 § 4.]

RCW 43.83.098 General obligation bonds--Legal investment for state and local funds.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1967 ex.s. c 148 § 5.]

RCW 43.83.102 General obligation bonds--Capital improvement and capital project defined.

Applicable Cases

The words "capital improvement" or "capital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

[1967 ex.s. c 148 § 7.]

RCW 43.83.104 General obligation bonds--Referral to electorate.

Applicable Cases

RCW 43.83.090 through 43.83.104 shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1968, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof.

[1967 ex.s. c 148 § 8.]

Notes:

Reviser's note: RCW 43.83.090 through 43.83.104 was adopted and ratified by the people at the November 5, 1968, general election (Referendum Bill No. 19). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

1973 BOND ISSUE

RCW 43.83.110 General obligation bonds--Authorized--Issuance--Payment.

Applicable Cases

For the purpose of acquiring land, funding and providing the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment, and facilities, of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-seven million dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.83.110 through 43.83.126 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1973 1st ex.s. c 217 § 1.]

RCW 43.83.112 General obligation bonds--Powers and duties of state finance committee.

Applicable Cases

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

[1973 1st ex.s. c 217 § 2.]

RCW 43.83.114 General obligation bonds--Anticipation notes--Proceeds.

Applicable Cases

At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.83.110 through 43.83.126 shall be deposited in the state building

construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.110 through 43.83.126 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1973 1st ex.s. c 217 § 3.]

RCW 43.83.116 General obligation bonds--Administration of proceeds from sale.

Applicable Cases

The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration.

[1973 1st ex.s. c 217 § 4.]

RCW 43.83.118 General obligation bonds--Payment from bond redemption fund--Procedure--General obligation of state.

Applicable Cases

The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.83.110 through 43.83.126. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.83.110 through 43.83.126 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1973 1st ex.s. c 217 § 5.]

RCW 43.83.120 General obligation bonds--Charges against state agencies to reimburse state general fund.

Applicable Cases

In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general

administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

[1973 1st ex.s. c 217 § 6.]

RCW 43.83.122 General obligation bonds--Legislature may provide additional means for payment.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.83.110 through 43.83.126 shall not be deemed to provide an exclusive method for such payment.

[1973 1st ex.s. c 217 § 7.]

RCW 43.83.124 General obligation bonds--Legal investment for state and other public bodies.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1973 1st ex.s. c 217 § 8.]

RCW 43.83.126 Severability--1973 1st ex.s. c 217.

Applicable Cases

If any provision of this 1973 act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 1st ex.s. c 217 § 9.]

1975 BOND ISSUE

RCW 43.83.130 General obligation bonds--Authorized--Issuance--Payment.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, and fixed equipment of capital campus facilities and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms and such other state agencies as may be necessary, as provided in the capital appropriations act, chapter . . ., Laws of 1975 [chapter 276, Laws of 1975 1st ex. sess.], for such purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the aggregate principal amount of six million four hundred thousand dollars or so much thereof as may be required to finance said projects, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

[1975 1st ex.s. c 249 § 1.]

RCW 43.83.132 General obligation bonds--Powers and duties of state finance committee.

Applicable Cases

The issuance, sale and retirement of said bonds as authorized in RCW 43.83.130 shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of such bonds and the conditions of sale and issuance thereof. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

[1975 1st ex.s. c 249 § 2.]

RCW 43.83.134 General obligation bonds--Anticipation notes--Proceeds.

Applicable Cases

At the time the state finance committee determines to issue such bonds as authorized in RCW 43.83.130 through 43.83.148 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83.130 through 43.83.148 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.130 through 43.83.148 and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83.138.

[1975 1st ex.s. c 249 § 3.]

RCW 43.83.136 General obligation bonds--Administration of proceeds from sale.

Applicable Cases

The principal proceeds from the sale of the bonds or notes authorized in RCW 43.83.130 through 43.83.148 and deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

[1975 1st ex.s. c 249 § 4.]

RCW 43.83.138 General obligation bonds--Payment from bond redemption fund--Procedure.

Applicable Cases

The state building bond redemption fund, 1975, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds and notes authorized by RCW 43.83.130 through 43.83.148. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in such state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

[1975 1st ex.s. c 249 § 5.]

RCW 43.83.140 General obligation bonds--General obligation of state.

Applicable Cases

Bonds issued under the provisions of RCW 43.83.130 through 43.83.148 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds, by a mandamus or other appropriate proceeding, may require the transfer and payment of funds as directed herein.

[1975 1st ex.s. c 249 § 6.]

RCW 43.83.142 General obligation bonds--Charges against state agencies to reimburse state general fund.

Applicable Cases

In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes authorized in RCW 43.83.130 through 43.83.148, the director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user of any facility or other building as authorized in RCW 43.83.130 for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

[1975 1st ex.s. c 249 § 7.]

RCW 43.83.144 General obligation bonds--Legislature may provide additional means for payment.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of an interest on the bonds authorized in RCW 43.83.130 through 43.83.148, and RCW

43.83.130 through 43.83.148 shall not be deemed to provide an exclusive method for such payment.

[1975 1st ex.s. c 249 § 8.]

RCW 43.83.146 General obligation bonds--Legal investment for state and other public bodies.

Applicable Cases

The bonds authorized in RCW 43.83.130 through 43.83.148 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1975 1st ex.s. c 249 § 9.]

RCW 43.83.148 Severability--1975 1st ex.s. c 249.

Applicable Cases

If any provision of this 1975 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 249 § 10.]

1979 BOND ISSUE

RCW 43.83.150 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twelve million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83.150 through 43.83.170 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

[1985 ex.s. c 4 § 15; 1979 ex.s. c 230 § 1.]

Notes:

Severability--1985 ex.s. c 4: See RCW 43.99G.900.

RCW 43.83.152 Form, terms, conditions, etc., of bonds.

Applicable Cases

The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance, and redemption. None of the bonds authorized in RCW 43.83.150 through 43.83.170 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of the bonds and notes, if any. The bonds shall be payable at such places as the committee may provide.

[1979 ex.s. c 230 § 2.]

RCW 43.83.154 Bond anticipation notes--Deposit of proceeds of bonds and notes in state building construction account and state general obligation bond retirement fund.

Applicable Cases

At the time the state finance committee determines to issue the bonds, or a portion thereof, it may, pending the issuance of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83.150 through 43.83.170 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.150 through 43.83.170 and for the payment of expenses incurred in the issuance and sale of the bonds: PROVIDED, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal of and interest on the anticipation notes as have been issued, shall be deposited in the state general obligation bond retirement fund created by RCW 43.83.160.

[1979 ex.s. c 230 § 3.]

RCW 43.83.156 Administration of proceeds.

Applicable Cases

The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

[1979 ex.s. c 230 § 4.]

RCW 43.83.158 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds and notes authorized by RCW 43.83.150 through 43.83.170. The state finance committee, shall, on or before June 30th of each year, certify to the

state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. Bonds issued under RCW 43.83.150 through 43.83.170 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1979 ex.s. c 230 § 5.]

RCW 43.83.160 State general obligation bond retirement fund created--Trust fund for retirement of state general obligation bonds--Use of designated bond retirement accounts.

Applicable Cases

The state general obligation bond retirement fund is hereby created in the state treasury. This fund shall be used for the payment of principal of, redemption premium, if any, and interest on general obligation bonds of the state that are required to be paid either directly or indirectly from any general state revenues and that are issued pursuant to statutory authority which statute designates the general obligation bond retirement fund for this purpose. This fund shall be deemed a trust fund for this purpose.

If bond retirement accounts are created in the state treasury by chapter 456, Laws of 1997 and become effective prior to the issuance of any of the bonds that would otherwise be subject to payment from the state general obligation bond retirement fund under this section, the bond retirement accounts designated by the statutes authorizing the bond issuance shall be used for the purposes of this chapter in lieu of the state general obligation bond retirement fund.

[1997 c 456 § 29; 1979 ex.s. c 230 § 6.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.83.162 Separate accounting records required for each issue of bonds.

Applicable Cases

Separate accounting records shall be maintained by the state treasurer of the debt service requirements of each issue of bonds payable from the state general obligation bond retirement fund, as certified by the state finance committee, and of the payments made out of the general obligation bond retirement fund to meet principal, interest requirements, and redemption premium, if any.

[1979 ex.s. c 230 § 7.]

RCW 43.83.164 Payment on certain bonds from state general obligation bond retirement fund prohibited.

Applicable Cases

No bonds issued pursuant to Article VIII, section 1(f) of the Constitution of the state of Washington shall be made payable from the state general obligation bond retirement fund.

[1979 ex.s. c 230 § 8.]

RCW 43.83.166 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83.150 through 43.83.170, and RCW 43.83.150 through 43.83.170 shall not be deemed to provide an exclusive method for the payment.

[1979 ex.s. c 230 § 9.]

RCW 43.83.168 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83.150 through 43.83.170 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1979 ex.s. c 230 § 10.]

RCW 43.83.170 Severability--1979 ex.s. c 230.

Applicable Cases

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

[1979 ex.s. c 230 § 11.]

1981 BOND ISSUE

RCW 43.83.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

Applicable Cases

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be

necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twelve million one hundred thirty thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83.172 through 43.83.182 may be offered for sale without prior legislative appropriation.

[1982 1st ex.s. c 48 § 19; 1981 c 235 § 1.]

Notes:

Severability--1982 1st ex.s. c 48: See note following RCW 28B.14G.900.

RCW 43.83.174 Deposit of proceeds in state building construction account--Use.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 43.83.172 through 43.83.182 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83.172 through 43.83.182 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1981 c 235 § 2.]

RCW 43.83.176 Administration of proceeds.

Applicable Cases

The principal proceeds from the sale of the bonds deposited in the state building construction account of the general fund shall be administered by the state department of general administration, subject to legislative appropriation.

[1981 c 235 § 3.]

RCW 43.83.178 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized by RCW 43.83.172 through 43.83.182.

The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83.172 through 43.83.182 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any

of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1981 c 235 § 4.]

RCW 43.83.180 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83.172 through 43.83.182, and RCW 43.83.172 through 43.83.182 shall not be deemed to provide an exclusive method for the payment.

[1981 c 235 § 5.]

RCW 43.83.182 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83.172 through 43.83.180 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1981 c 235 § 6.]

1983 BOND ISSUE

RCW 43.83.184 General obligation bonds--Authorized--Issuance--Appropriation required.

Applicable Cases

For the purpose of acquiring land and providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment facilities of office buildings, parking facilities, and such other buildings, facilities, and utilities as are determined to be necessary to provide space including offices, committee rooms, hearing rooms, work rooms, and industrial-related space for the legislature, for other elective officials, and such other state agencies as may be necessary, and for the purpose of land acquisitions by the department of transportation, grants and loans by the department of community, trade, and economic development, and facilities of the department of corrections and other state agencies, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-four million two hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

[1995 c 399 § 78; 1985 c 466 § 54; 1983 1st ex.s. c 54 § 1.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.83.186 Deposit of proceeds in state building construction account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83.184 shall be deposited in the state building construction account in the general fund and shall be used exclusively for the purposes specified in RCW 43.83.184 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1983 1st ex.s. c 54 § 2.]

RCW 43.83.188 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited under RCW 43.83.186 in the state building construction account of the general fund shall be administered by the department of general administration, subject to legislative appropriation.

[1983 1st ex.s. c 54 § 3.]

RCW 43.83.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83.184.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83.184 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1983 1st ex.s. c 54 § 4.]

RCW 43.83.192 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83.184, and RCW 43.83.190 shall not be deemed to provide an exclusive method for the payment.

[1983 1st ex.s. c 54 § 5.]

RCW 43.83.194 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83.184 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1983 1st ex.s. c 54 § 6.]

RCW 43.83.196 Severability--1983 1st ex.s. c 54.

Applicable Cases

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

[1983 1st ex.s. c 54 § 10.]

1984 BOND ISSUE

RCW 43.83.198 General obligation bonds--Authorized--Issuance--Price--Appropriation required.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the planning, design, construction, renovation, equipping, and repair of buildings and facilities and the acquisition of a marine vessel and marine equipment for the department of corrections, the state finance committee is authorized to issue from time to time general obligation bonds of the state of Washington in the sum of twelve million eight hundred twenty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1984 c 271 § 1.]

RCW 43.83.200 Deposit of proceeds in state building construction account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83.198 shall be deposited in the state building construction account in the general fund and shall be used exclusively for the purposes specified in RCW 43.83.198 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1984 c 271 § 2.]

RCW 43.83.202 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited under RCW 43.83.200 in the state building construction account of the general fund shall be administered by the department of general administration, subject to legislative appropriation.

[1984 c 271 § 3.]

RCW 43.83.204 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83.198.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83.198 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1984 c 271 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83.206 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of, redemption premium, if any, and interest on the bonds authorized in RCW 43.83.198, and RCW 43.83.204 shall not be deemed to provide an exclusive method for the payment.

[1984 c 271 § 5.]

RCW 43.83.208 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83.198 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1984 c 271 § 6.]

RCW 43.83.210 Severability--1984 c 271.

Applicable Cases

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

[1984 c 271 § 7.]

**Chapter 43.83A RCW
WASTE DISPOSAL FACILITIES BOND ISSUE**

RCW

43.83A.010	Declaration.
43.83A.020	General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
43.83A.030	Proceeds to be deposited in state and local improvements revolving account.
43.83A.040	Administration of proceeds--Use of funds--Integration of disposal systems.
43.83A.050	Definitions.
43.83A.060	Referral to electorate.
43.83A.070	Form, terms, conditions, etc., of bonds.
43.83A.080	Anticipation notes--Pledge and promise--Seal.
43.83A.090	Retirement of bonds from waste disposal facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders--Debt-limit general fund bond retirement account.
43.83A.100	Legislature may provide additional means for payment of bonds.
43.83A.110	Bonds legal investment for public funds.
43.83A.900	Appropriation.

Notes:

Waste disposal facilities--1980 bond issue: Chapter 43.99F RCW.

RCW 43.83A.010 Declaration.

Applicable Cases

The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate facilities and systems for the collection, treatment, control, or disposal of solid or liquid waste materials.

[1980 c 21 § 1; 1972 ex.s. c 127 § 1.]

RCW 43.83A.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, construction, and

improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred ninety-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. As used in this section the phrase "public waste disposal facilities" shall not include the acquisition of equipment used to collect, carry, and transport garbage. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1990 1st ex.s. c 15 § 7. Prior: 1989 1st ex.s. c 14 § 10; 1989 c 136 § 2; 1977 ex.s. c 242 § 1; 1972 ex.s. c 127 § 2.]

Notes:

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

Intent--1989 c 136: "It is the intent of this act to allow the sale of state general obligation bonds to underwriters at a discount so that they may be sold to the public at face value, thereby resulting in lower interest costs to the state. Increases in bond authorizations under this act represent this discount and will have no effect on the amount of money available for the projects to be financed by the bonds." [1989 c 136 § 1.]

Severability--1977 ex.s. c 242: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 242 § 6.]

RCW 43.83A.030 Proceeds to be deposited in state and local improvements revolving account.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 43; 1985 c 57 § 44; 1972 ex.s. c 127 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83A.040 Administration of proceeds--Use of funds--Integration of disposal systems.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or

loans to public bodies, including grants to public bodies as matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this chapter.

The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that locale from private enterprise.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

[1979 c 68 § 2; 1972 ex.s. c 127 § 4.]

RCW 43.83A.050 Definitions.

Applicable Cases

As used in this chapter, the term "waste disposal facilities" shall mean any facilities or systems owned or operated by a public body for the collection, storage, treatment, disposal, recycling, control, or recovery of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, material segregated into recyclables and nonrecyclables, and any combination of such wastes; and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1980 c 21 § 2; 1979 c 68 § 1; 1972 ex.s. c 127 § 5.]

RCW 43.83A.060 Referral to electorate.

Applicable Cases

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 127 § 6.]

Notes:

Reviser's note: Chapter 43.83A RCW was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 26). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.83A.070 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

[1989 c 136 § 3; 1972 ex.s. c 127 § 7.]

Notes:

Intent--1989 c 136: See note following RCW 43.83A.020.

RCW 43.83A.080 Anticipation notes--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 127 § 8.]

RCW 43.83A.090 Retirement of bonds from waste disposal facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders--Debt-limit general fund bond retirement account.

Applicable Cases

The waste disposal facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the waste disposal facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of

Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the waste disposal facilities bond redemption fund.

[1997 c 456 § 12; 1972 ex.s. c 127 § 9.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.83A.100 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 127 § 10.]

RCW 43.83A.110 Bonds legal investment for public funds.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body.

[1972 ex.s. c 127 § 11.]

RCW 43.83A.900 Appropriation.

Applicable Cases

There is appropriated to the state department of ecology, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of ten million dollars for use by said department for grants to public bodies as state matching funds for the purpose of aiding in the planning, acquisition, construction, and improvement of waste disposal facilities.

[1972 ex.s. c 127 § 12.]

**Chapter 43.83B RCW
WATER SUPPLY FACILITIES**

43.83B.005 Transfer of duties to the department of health.

43.83B.010 Declaration.

Revised Code of Washington, 1999

- 43.83B.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.83B.030 Proceeds to be deposited in state and local improvements revolving account.
- 43.83B.040 Administration of proceeds--Use of funds.
- 43.83B.050 Definitions.
- 43.83B.060 Referral to electorate.
- 43.83B.070 Form, terms, conditions, etc., of bonds.
- 43.83B.080 Anticipation notes--Pledge and promise--Seal.
- 43.83B.090 Retirement of bonds from water supply facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders.
- 43.83B.100 Legislature may provide additional means for payment of bonds.
- 43.83B.110 Bonds legal investment for public funds.

AGRICULTURAL WATER SUPPLY FACILITIES

- 43.83B.200 Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account--Water supply facilities--Use.
- 43.83B.210 Loans or grants from department of ecology--Authorized--Limitations.
- 43.83B.220 Contractual agreements.
- 43.83B.230 Provision for recreation, fish and wildlife enhancement and other public benefits.

EMERGENCY WATER WITHDRAWAL AND FACILITIES

- 43.83B.300 Legislative findings--General obligation bonds authorized--Issuance, terms--Appropriation required.
- 43.83B.336 Civil penalties.
- 43.83B.345 Rates of charges for water--Payment into bond redemption fund--Grants and loans--Contracts.
- 43.83B.350 Loans or grants from department of ecology--Authorized--Limitations.
- 43.83B.355 Form, sale, conditions, etc., of bonds--"Water supply facilities for water withdrawal and distribution" defined.
- 43.83B.360 State emergency water projects revolving account--Proceeds from sale of bonds.
- 43.83B.365 Administration of proceeds from sale of bonds.
- 43.83B.370 Retirement of bonds and notes from emergency water projects bond redemption fund--Remedies of bond holders.
- 43.83B.375 Bonds legal investment for public funds.
- 43.83B.380 Appropriations to department of health--Authorized projects--Conditions.
- 43.83B.385 Appropriations to department of ecology--Authorized projects--Findings.
- 43.83B.400 Drought conditions--Defined--Intent.
- 43.83B.405 Drought conditions--Withdrawals and diversions--Orders, procedure.
- 43.83B.410 Drought conditions--Withdrawals and diversions--Orders, authority granted.
- 43.83B.415 Drought conditions--Loans and grants.
- 43.83B.420 Rules.
- 43.83B.425 Applicability--Construction.
- 43.83B.430 State drought preparedness account.
- 43.83B.900 Severability--1975 1st ex.s. c 295.
- 43.83B.901 Severability--1977 ex.s. c 1.

RCW 43.83B.005 Transfer of duties to the department of health.

Applicable Cases

The powers and duties of the department of social and health services under this chapter shall be performed by the department of health.

[1989 1st ex.s. c 9 § 240.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.83B.010 Declaration.

Applicable Cases

The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, and agricultural purposes.

[1972 ex.s. c 128 § 1.]

RCW 43.83B.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seventy-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1977 ex.s. c 242 § 2; 1972 ex.s. c 128 § 2.]

Notes:

Severability--1977 ex.s. c 242: See note following RCW 43.83A.020.

RCW 43.83B.030 Proceeds to be deposited in state and local improvements revolving account.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 53; 1985 c 57 § 45; 1972 ex.s. c 128 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83B.040 Administration of proceeds--Use of funds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1972 ex.s. c 128 § 4.]

RCW 43.83B.050 Definitions.

Applicable Cases

As used in this chapter, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, a board of joint control, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1996 c 320 § 20; 1975 c 18 § 1; 1972 ex.s. c 128 § 5.]

RCW 43.83B.060 Referral to electorate.

Applicable Cases

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 128 § 6.]

Notes:

Reviser's note: RCW 43.83B.010 through 43.83B.110 was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 27). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in

operation on and after the thirtieth day after the election at which it is approved"

RCW 43.83B.070 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1972 ex.s. c 128 § 7.]

RCW 43.83B.080 Anticipation notes--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 128 § 8.]

RCW 43.83B.090 Retirement of bonds from water supply facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders.

Applicable Cases

The water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the water supply facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1972 ex.s. c 128 § 9.]

RCW 43.83B.100 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 128 § 10.]

RCW 43.83B.110 Bonds legal investment for public funds.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1972 ex.s. c 128 § 11.]

AGRICULTURAL WATER SUPPLY FACILITIES

RCW 43.83B.200 Deposit of proceeds from repayment of loans, interest, gifts, grants, etc., in state and local improvements revolving account--Water supply facilities--Use.

Applicable Cases

The proceeds from repayment of any loans made for agricultural water supply facilities and the interest earned from such loans, any gifts, grants, or other funds provided to the state for agricultural water supply facilities, and any interest earned on the interim investment of such funds or proceeds shall be deposited in the state and local improvements revolving account--water supply facilities and shall be used exclusively for agricultural water supply facilities.

[1975 1st ex.s. c 295 § 1.]

RCW 43.83B.210 Loans or grants from department of ecology--Authorized--Limitations.

Applicable Cases

The department of ecology is authorized to make loans or grants or combinations thereof from funds under RCW 43.83B.010 through 43.83B.110 to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project cost for any single proposed project. Any grant or grant portion of a combination loan and grant from funds under RCW 43.83B.010 through 43.83B.110 for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the

United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

[1989 c 171 § 7; 1988 c 46 § 1; 1987 c 343 § 4; 1977 ex.s. c 1 § 11; 1975-'76 2nd ex.s. c 36 § 1; 1975 1st ex.s. c 295 § 3.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

Severability--1987 c 343: See note following RCW 43.83B.300.

RCW 43.83B.220 Contractual agreements.

Applicable Cases

In addition to the powers granted by RCW 43.83B.210, the director of the department of ecology or his designee is authorized to make contractual agreements in accordance with provisions of this chapter on behalf of the state of Washington. Contractual agreements shall include provisions to secure such loans, and shall assure the proper and timely payment of said loans or loan portions of combination loans and grants.

[1989 c 11 § 17; 1975 1st ex.s. c 295 § 5.]

Notes:

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 43.83B.230 Provision for recreation, fish and wildlife enhancement and other public benefits.

Applicable Cases

In the course of considering applications under this chapter, the department of ecology shall make known to other state agencies possibilities which may arise to provide public benefits such as recreation or fish and wildlife enhancement in connection with proposed projects. Such agencies, including the department of ecology, are authorized to participate in said projects provided agency funds are made available to pay the full cost of their participation.

[1975 1st ex.s. c 295 § 14.]

EMERGENCY WATER WITHDRAWAL AND FACILITIES

RCW 43.83B.300 Legislative findings--General obligation bonds authorized--Issuance, terms--Appropriation required.

Applicable Cases

The legislature finds that the fundamentals of water resource policy in this state must be reviewed by the legislature to ensure that the water resources of the state are protected and fully utilized for the greatest benefit to the people of the state of Washington. The legislature further finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to

alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during 1977 and during 1987 through 1989.

The legislature further finds that there is a continuing water supply shortage in many areas of the state and that there is an urgent need to assure the survival of irrigated crops and of the state's fisheries.

The legislature further finds that in addition to water storage facilities or other augmentation programs, improved efficiency of water use could provide an important new supply of water in many parts of the state with which to meet future water needs and that improved efficiency of water use should receive greater emphasis in the management of the state's water resources.

In order to study the fundamentals of water resource policy of the state and to provide needed moneys for the planning, acquisition, construction, and improvement of water supply facilities and for other appropriate measures to assure the survival of irrigated crops and/or the state's fisheries to alleviate emergency water supply conditions arising from droughts occurring from time to time in the state of Washington, and to carry out a comprehensive water use efficiency study for the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1988 c 47 § 1; 1988 c 46 § 2; 1988 c 45 § 1; 1987 c 343 § 1; 1979 ex.s. c 263 § 1; 1977 ex.s. c 1 § 1.]

Notes:

Reviser's note: This section was amended by 1988 c 45 § 1, 1988 c 46 § 2, and by 1988 c 47 § 1, each without reference to the other. All amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Application--1988 c 47: "Nothing in this act shall apply to or interfere with the processing or issuance of water rights in connection with the Yakima River Basin Water Enhancement Project." [1988 c 47 § 8.]

Severability--1988 c 47: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 47 § 9.]

Severability--1987 c 343: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 343 § 11.]

Severability--1979 ex.s. c 263: "If any provision of this 1979 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 263 § 5.]

RCW 43.83B.336 Civil penalties.

Applicable Cases

See RCW 90.03.600.

RCW 43.83B.345 Rates of charges for water--Payment into bond redemption fund--Grants and loans--Contracts.

Applicable Cases

(1) The department of ecology shall, by rule, establish rates of charges for all waters delivered from such facilities as constructed by the department with funds provided in RCW 43.83B.385 (2) or (3). Where the department provides water to public or municipal corporations or other governmental bodies having authority to distribute water, the payment for the water may be made pursuant to contract over a period not exceeding twenty-five years from the date of delivery. In all other cases, the department shall obtain payment for waters prior to its delivery to a purchaser. All payments received shall be deposited into the state emergency water projects bond redemption fund of 1977.

(2) Public bodies, eligible to obtain funds through grants or loans or combinations thereof under the provisions of *RCW 43.83B.300 through 43.83B.345 and 43.83B.210 as now or hereafter amended, are authorized to enter into contracts with the department of ecology for the purpose of repaying loans authorized by RCW 43.83B.380 and 43.83B.385 and for the purpose of purchasing water under this section.

(3) The department of ecology is authorized to enter into appropriate contracts to ensure effective delivery of water and the operation and maintenance of facilities constructed pursuant to *RCW 43.83B.300 through 43.83B.385, 43.83B.901, and 43.83B.210.

[1977 ex.s. c 1 § 10.]

Notes:

***Reviser's note:** RCW 43.83B.305 through 43.83B.330 and 43.83B.340 through 43.83B.344 were repealed by 1989 c 171 § 12.

RCW 43.83B.350 Loans or grants from department of ecology--Authorized--Limitations.

Applicable Cases

See RCW 43.83B.210.

RCW 43.83B.355 Form, sale, conditions, etc., of bonds--"Water supply facilities for water withdrawal and distribution" defined.

Applicable Cases

The state finance committee is authorized to prescribe the form of the bonds authorized in RCW 43.83B.300, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

As used in RCW 43.83B.300, and 43.83B.355 through 43.83B.375, the term "water

supply facilities for water withdrawal and distribution" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to the acquisition, construction, installation, improvement, or use of any water supply or distribution system furnishing water for agricultural, municipal or industrial purposes.

[1977 ex.s. c 1 § 12.]

RCW 43.83B.360 State emergency water projects revolving account--Proceeds from sale of bonds.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds.

[1991 sp.s. c 13 § 33; 1985 c 57 § 46; 1977 ex.s. c 1 § 13.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83B.365 Administration of proceeds from sale of bonds.

Applicable Cases

The principal proceeds from the sale of the bonds authorized in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be administered by the director of the department of ecology.

[1977 ex.s. c 1 § 14.]

RCW 43.83B.370 Retirement of bonds and notes from emergency water projects bond redemption fund--Remedies of bond holders.

Applicable Cases

The state emergency water projects bond redemption fund of 1977, hereby created in the state treasury, shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.83B.300, and 43.83B.355 through 43.83B.375. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 emergency water projects bond redemption fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by

mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

[1977 ex.s. c 1 § 15.]

RCW 43.83B.375 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be a legal investment for all state funds under state control and all funds of municipal corporations.

[1977 ex.s. c 1 § 16.]

RCW 43.83B.380 Appropriations to department of health--Authorized projects--Conditions.

Applicable Cases

There is hereby appropriated to the department of health the sum of nine million seven hundred thirty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund--state and local improvements revolving account--water supply facilities for the purposes authorized in *RCW 43.83B.300 through 43.83B.345 and 43.83B.210 as now or hereafter amended relating to the emergency water conditions arising from the drought forecast for the summer and fall of 1977 affecting municipal and industrial water supply distribution facilities. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

(2) There is hereby appropriated to the department of health the sum of five million three hundred twenty-seven thousand dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1977, from the general fund--state and local improvements revolving account--water supply facilities to be expended for municipal and industrial water supply and distribution facility projects for which applications are in progress on March 25, 1977 and have arisen from the drought forecast for the summer and fall of 1977. Prior to the expenditure of funds for projects approved by the department, the department shall file a listing of the approved projects with the senate ways and means committee and the house appropriations committee.

The municipal and industrial water supply and distribution facilities receiving funds from the appropriations contained in this section shall comply with the eligible costs criteria, health and design standards, and contract performance requirements of the municipal and industrial funding program under chapter 43.83B RCW. All projects shall be evaluated by applying the said chapter's evaluation and prioritization criteria to insure that only projects related to water shortage problems receive funding. The projects funded shall be limited to those projects providing interties with adjacent utilities, an expanded source of supply, conservation projects which will conserve or maximize efficiency of the existing supply, or a new source of supply. No obligation to provide a grant for a project authorized under this section shall be incurred after June 30, 1977.

[1991 c 3 § 300; 1977 ex.s. c 1 § 17.]

Notes:

***Reviser's note:** RCW 43.83B.305 through 43.83B.330 and 43.83B.340 through 43.83B.344 were repealed by 1989 c 171 § 12.

RCW 43.83B.385 Appropriations to department of ecology--Authorized projects--Findings.

Applicable Cases

(1) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of seven million dollars, or so much thereof as may be necessary, which shall be expended for the financing of the following agricultural water supply and distribution projects from surface water sources: Kennewick Irrigation District; Kittitas Reclamation District; Stemilt Irrigation District; Wenatchee Heights Reclamation District; and the Wenatchee Reclamation District.

(2) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water projects revolving account in the general fund, the sum of five million dollars, or so much thereof as may be necessary, which shall be expended for the financing and construction of agricultural water supply and distribution projects from ground water sources primarily in the Moxee-Ahtanum and Park Creek aquifer areas.

(3) There is hereby appropriated to the department of ecology for the biennium ending June 30, 1977, from the state emergency water supply revolving account in the general fund the sum of six million dollars, or so much thereof as may be necessary, which shall be expended for water withdrawal projects relating to ground and surface waters as provided for in subsections (1) and (2) of this section and for the financing and construction of agricultural water supply and distribution projects from ground and surface water sources which may become required by public bodies other than those identified in this section as a result of the drought forecast for the summer and fall of 1977.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050. The grant portion of a combination loan and grant to a public body for any project shall not exceed fifteen percent of the total amount received by such project under this section.

The department may expend funds from the appropriations contained in subsections (1), (2), and (3) of this section to make loans or combinations of loans and grants to public bodies as defined in RCW 43.83B.050 to satisfy the matching requirements of RCW 43.83B.210 as now or hereafter amended.

Prior to the funding of any agriculture projects not specifically set forth in this section the department must make a formal finding that: An emergency water shortage condition exists; the project proposed for funding will alleviate the water shortage; the public body recipient of any funds has reasonable capability to repay the loan involved; and the water from the project will be used for a beneficial purpose as a substitute for water not available due to drought conditions.

[1977 ex.s. c 1 § 18.]

RCW 43.83B.400 Drought conditions--Defined--Intent.

Applicable Cases

It is the intent of the legislature to provide emergency powers to the department of ecology to enable it to take actions, in a timely and expeditious manner, that are designed to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. As used in this chapter, "drought condition" means that the water supply for a geographical area or for a significant portion of a geographical area is below seventy-five percent of normal and the water shortage is likely to create undue hardships for various water uses and users.

[1989 c 171 § 1.]

Notes:

Severability--1989 c 171: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 171 § 14.]

RCW 43.83B.405 Drought conditions--Withdrawals and diversions--Orders, procedure.

Applicable Cases

(1) Whenever it appears to the department of ecology that a drought condition either exists or is forecast to occur within the state or portions thereof, the department of ecology is authorized to issue orders, pursuant to rules previously adopted, to implement the powers as set forth in RCW 43.83B.410 through 43.83B.420. The department shall, immediately upon the issuance of an order under this section, cause said order to be published in newspapers of general circulation in the areas of the state to which the order relates. Prior to the issuance of an order, the department shall (a) consult with and obtain the views of the federal and state government entities identified in the drought contingency plan periodically revised by the department pursuant to RCW 43.83B.410(4), and (b) obtain the written approval of the governor. Orders issued under this section shall be deemed orders for the purposes of chapter 34.05 RCW.

(2) Any order issued under subsection (1) of this section shall contain a termination date for the order. The termination date shall be not later than one calendar year from the date the order is issued. Although the department may, with the written approval of the governor, change the termination date by amending the order, no such amendment or series of amendments may have the effect of extending its termination to a date which is later than two calendar years after the issuance of the order.

(3) The provisions of subsection (2) of this section do not preclude the issuance of more than one order under subsection (1) of this section for different areas of the state or sequentially for the same area as the need arises for such an order or orders.

[1989 c 171 § 2.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.410 Drought conditions--Withdrawals and diversions--Orders, authority granted.

Applicable Cases

Upon the issuance of an order under RCW 43.83B.405, the department of ecology is empowered to:

(1)(a) Authorize emergency withdrawal of public surface and ground waters, including dead storage within reservoirs, on a temporary basis and authorize associated physical works which may be either temporary or permanent. The termination date for the authority to make such an emergency withdrawal may not be later than the termination date of the order issued under RCW 43.83B.405 under which the power to authorize the withdrawal is established. The department of ecology may issue such withdrawal authorization when, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(i) The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;

(ii) The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and

(iii) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (A) to assure the maintenance of fisheries requirements, and (B) to protect federal and state interests including, among others, power generation, navigation, and existing water rights;

(b) All withdrawal authorizations issued under this section shall contain provisions that allow for termination of withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in (a)(iii) of this subsection. Domestic and irrigation uses of public surface and ground waters shall be given priority in determining "beneficial uses." As to water withdrawal and associated works authorized under this subsection, the requirements of chapter 43.21C RCW and public bidding requirements as otherwise provided by law are waived and inapplicable. All state and local agencies with authority to issue permits or other authorizations for such works shall, to the extent possible, expedite the processing of the permits or authorizations in keeping with the emergency nature of the requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands, if such lands are necessary to effectuate the withdrawal authorizations issued under this subsection, shall provide short-term easements or other appropriate property interest upon the payment of the fair market value. This mandate shall not apply to any lands of the state that are reserved for a special purpose or use that cannot properly be carried out if the property interest were conveyed;

(2) Approve a temporary change in purpose, place of use, or point of diversion, consistent with existing state policy allowing transfer or lease of waters between willing parties, as provided for in RCW 90.03.380, 90.03.390, and 90.44.100. However, compliance with any requirements of (a) notice of newspaper publication of these sections or (b) the state environmental policy act,

chapter 43.21C RCW, is not required when such changes are necessary to respond to drought conditions as determined by the department of ecology. An approval of a temporary change of a water right as authorized under this subsection is not admissible as evidence in either supporting or contesting the validity of water claims in *State of Washington, Department of Ecology v. Acquavella*, Yakima county superior court number 77-2-01484-5 or any similar proceeding where the existence of a water right is at issue.

(3) Employ additional persons for specified terms of time, consistent with the term of a drought condition, as are necessary to ensure the successful performance of the activities associated with implementing the emergency drought program of this chapter.

(4) Revise the drought contingency plan previously developed by the department; and

(5) Acquire needed emergency drought-related equipment.

[1989 c 171 § 3.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.415 Drought conditions--Loans and grants.

Applicable Cases

(1) The department of ecology is authorized to make loans, grants, or combinations of loans and grants from emergency agricultural water supply funds when necessary to provide water to alleviate emergency drought conditions in order to ensure the survival of irrigated crops and the state's fisheries. For the purposes of this section, "emergency agricultural water supply funds" means funds appropriated from the state emergency water projects revolving account created under RCW 43.83B.360. The department of ecology may make the loans, grants, or combinations of loans and grants as matching funds in any case where federal, local, or other funds have been made available on a matching basis. The department may make a loan of up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost. The grant portion for any single project shall not exceed twenty percent of the total project cost except that, for activities forecast to have fifty percent or less of normal seasonal water supply, the grant portion for any single project or entity shall not exceed forty percent of the total project cost. No single entity shall receive more than ten percent of the total emergency agricultural water supply funds available for drought relief. These funds shall not be used for nonagricultural drought relief purposes unless there are no other capital budget funds available for these purposes. In any biennium the total expenditures of emergency agricultural water supply funds for nonagricultural drought relief purposes may not exceed ten percent of the total of such funds available during that biennium.

(2)(a) Except as provided in (b) of this subsection, after June 30, 1989, emergency agricultural water supply funds, including the repayment of loans and any accrued interest, shall not be used for any purpose except during drought conditions as determined under RCW 43.83B.400 and 43.83B.405.

(b) Emergency agricultural water supply funds may be used on a one-time basis for the development of procedures to be used by state governmental entities to implement the state's

drought contingency plan.

[1989 c 171 § 4.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.420 Rules.

Applicable Cases

The department shall adopt such rules as are necessary to ensure the successful implementation of this chapter.

[1989 c 171 § 5.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.425 Applicability--Construction.

Applicable Cases

Nothing in this chapter shall:

- (1) Authorize any interference whatsoever with existing water rights;
- (2) Authorize the establishment of rights to withdrawal of waters of a permanent nature or of rights with any priority;
- (3) Authorize the establishment of a water right under RCW 90.03.250 or 90.44.060;
- (4) Preclude any person from filing an application pursuant to RCW 90.03.250 or 90.44.060.

[1989 c 171 § 6.]

Notes:

Severability--1989 c 171: See note following RCW 43.83B.400.

RCW 43.83B.430 State drought preparedness account.

Applicable Cases

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness.

[1999 c 379 § 921.]

Notes:

Effective date--1999 c 379: See note following RCW 43.98A.040.

RCW 43.83B.900 Severability--1975 1st ex.s. c 295.

Applicable Cases

If any provision of this act, or its application to any person or circumstance is held

invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 295 § 17.]

RCW 43.83B.901 Severability--1977 ex.s. c 1.

Applicable Cases

If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 1 § 19.]

**Chapter 43.83C RCW
RECREATION IMPROVEMENTS BOND ISSUE**

RCW

43.83C.010	Declaration.
43.83C.020	General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
43.83C.030	Proceeds to be deposited in state and local improvements revolving account.
43.83C.040	Administration of proceeds--Division into shares--Use of funds.
43.83C.050	Definitions.
43.83C.060	Referral to electorate.
43.83C.070	Form, terms, conditions, etc., of bonds.
43.83C.080	Anticipation notes--Pledge and promise--Seal.
43.83C.090	Retirement of bonds from recreation improvements bond redemption fund--Retail sales tax collections--Remedies of bond holders.
43.83C.100	Legislature may provide additional means for payment of bonds.
43.83C.110	Bonds legal investment for public funds.

RCW 43.83C.010 Declaration.

Applicable Cases

The long-range development goals for the state of Washington must include the acquisition, preservation, and improvement of recreation areas and facilities for the use and enjoyment of present and future residents of the state and the further development of the state's tourism and recreation economic base.

[1972 ex.s. c 129 § 1.]

RCW 43.83C.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the improvements

defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1977 ex.s. c 242 § 3; 1972 ex.s. c 129 § 2.]

Notes:

Severability--1977 ex.s. c 242: See note following RCW 43.83A.020.

RCW 43.83C.030 Proceeds to be deposited in state and local improvements revolving account.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 54; 1985 c 57 § 47; 1972 ex.s. c 129 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83C.040 Administration of proceeds--Division into shares--Use of funds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be divided into three shares as follows:

(1) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to the state of Washington, or any agency or department thereof, for the acquisition, preservation, and development of recreation areas and facilities by the state. The committee may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(2) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to public bodies for the acquisition, preservation, development, and improvement of recreational areas and facilities within the jurisdiction of such bodies. The committee may use or permit the use of any portion of such share for loans or grants to public bodies including use as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

(3) Thirty percent of such proceeds shall be allocated to the state parks and recreation

commission, subject to legislative appropriation, for improvement of existing state parks and the acquisition and preservation of historic sites and buildings. The commission may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

In the event that the bonds authorized by this chapter are sold in more than one series the above division into shares shall apply to the total proceeds of the bonds authorized by this chapter and not to the proceeds of each separate series.

[1972 ex.s. c 129 § 4.]

RCW 43.83C.050 Definitions.

Applicable Cases

As used in this chapter, the phrase "acquisition, preservation, development, and improvement of recreation areas and facilities" shall include the acquisition, development, and improvement of real property, or any interest therein, for park and recreation purposes, including the acquisition and construction of all structures, utilities, equipment, and improvements necessary or incidental to such purposes, the acquisition and preservation of historic sites and buildings and of scenic and environmentally valuable areas of the state, and the improvement of existing park and recreation areas and facilities.

As used in this chapter, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1972 ex.s. c 129 § 5.]

RCW 43.83C.060 Referral to electorate.

Applicable Cases

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 129 § 6.]

Notes:

Reviser's note: Chapter 43.83C RCW was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 28). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

RCW 43.83C.070 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1972 ex.s. c 129 § 7.]

RCW 43.83C.080 Anticipation notes--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 129 § 8.]

RCW 43.83C.090 Retirement of bonds from recreation improvements bond redemption fund--Retail sales tax collections--Remedies of bond holders.

Applicable Cases

The recreation improvements bond redemption fund is hereby created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the recreation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1972 ex.s. c 129 § 9.]

RCW 43.83C.100 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 129 § 10.]

RCW 43.83C.110 Bonds legal investment for public funds.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any public body.

[1972 ex.s. c 129 § 11.]

**Chapter 43.83D RCW
SOCIAL AND HEALTH SERVICES FACILITIES 1972 BOND ISSUE**

RCW

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RCW 43.83D.010 Declaration.

Applicable Cases

The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community health and social service facilities will provide the improved and convenient health and social services needed for an efficient work force and a healthy and secure people.

[1972 ex.s. c 130 § 1.]

RCW 43.83D.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is

authorized to issue general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1977 ex.s. c 242 § 4; 1972 ex.s. c 130 § 2.]

Notes:

Severability--1977 ex.s. c 242: See note following RCW 43.83A.020.

RCW 43.83D.030 Proceeds to be deposited in state and local improvements revolving account.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 55; 1985 c 57 § 48; 1972 ex.s. c 130 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83D.040 Administration of proceeds--Comprehensive plan--Use of funds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this chapter shall be administered by the state department of social and health services, subject to legislative appropriation. The department shall prepare a comprehensive plan for a system of social and health service facilities for the state and may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish such plan by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1972 ex.s. c 130 § 4.]

RCW 43.83D.050 Definitions.

Applicable Cases

As used in this chapter, the term "social and health service facilities" shall mean real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities,

utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state including, without limitation, facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1972 ex.s. c 130 § 5.]

RCW 43.83D.060 Referral to electorate.

Applicable Cases

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1972 ex.s. c 130 § 6.]

Notes:

Reviser's note: Chapter 43.83D RCW was adopted and ratified by the people at the November 7, 1972, general election (Referendum Bill No. 29). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1(d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved. . . ."

RCW 43.83D.070 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1972 ex.s. c 130 § 7.]

RCW 43.83D.080 Anticipation notes--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in

anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1972 ex.s. c 130 § 8.]

RCW 43.83D.090 Retirement of bonds from social and health service facilities bond redemption fund--Retail sales tax collections--Remedies of bond holders.

Applicable Cases

The social and health service facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the social and health service facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed herein.

[1972 ex.s. c 130 § 9.]

RCW 43.83D.100 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1972 ex.s. c 130 § 10.]

RCW 43.83D.110 Bonds legal investment for public funds.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1972 ex.s. c 130 § 11.]

Chapter 43.83F RCW
CAPITOL FACILITIES REVENUE BONDS, 1969--
EAST CAPITOL SITE BONDS, 1969

RCW

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| 43.83F.010 | Refunding bonds--Issuance--Authorization. |
| 43.83F.020 | Refunding bonds--Powers and duties of state finance committee. |
| 43.83F.030 | Refunding bonds--Administration of proceeds from sale--Exception. |
| 43.83F.040 | Refunding bonds--Payment from bond redemption fund--Procedure--General obligation of state. |
| 43.83F.050 | Refunding bonds--Legislature may provide additional means for payment. |
| 43.83F.060 | Refunding bonds--Legal investment for state and other public bodies. |
| 43.83F.900 | Severability--1974 ex.s. c 113. |

RCW 43.83F.010 Refunding bonds--Issuance--Authorization.

Applicable Cases

The state finance committee is authorized to issue general obligation bonds of the state in the amount of twenty-one million dollars, or so much thereof as may be required to refund, at or prior to maturity, the outstanding "State of Washington Capitol Facilities Revenue Bonds, 1969", dated October 1, 1969, and the outstanding "State of Washington East Capitol Site Bonds, 1969", dated October 1, 1969, and to pay any premium payable with respect thereto and all interest thereon, and to pay all costs incidental thereto and to the issuance of the bonds authorized by this chapter. The bonds authorized by this chapter shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the state Constitution.

[1974 ex.s. c 113 § 1.]

RCW 43.83F.020 Refunding bonds--Powers and duties of state finance committee.

Applicable Cases

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds. Such bonds shall be payable at such places as the committee may provide.

[1974 ex.s. c 113 § 2.]

RCW 43.83F.030 Refunding bonds--Administration of proceeds from sale--Exception.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be set aside for the payment of the bonds to be refunded in accordance with chapter 39.53 RCW, except that

investment and reinvestment thereof shall be limited to direct obligations of the United States of America.

[1974 ex.s. c 113 § 3.]

RCW 43.83F.040 Refunding bonds--Payment from bond redemption fund--Procedure--General obligation of state.

Applicable Cases

The state building refunding bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this chapter. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1974 ex.s. c 113 § 4.]

RCW 43.83F.050 Refunding bonds--Legislature may provide additional means for payment.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1974 ex.s. c 113 § 5.]

RCW 43.83F.060 Refunding bonds--Legal investment for state and other public bodies.

Applicable Cases

The bonds authorized in this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1974 ex.s. c 113 § 6.]

RCW 43.83F.900 Severability--1974 ex.s. c 113.

Applicable Cases

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or

circumstances is not affected.

[1974 ex.s. c 113 § 8.]

Chapter 43.83H RCW

SOCIAL AND HEALTH SERVICES FACILITIES--BOND ISSUES 1975-'76 BOND ISSUE

- 43.83H.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83H.020 "Social and health services facilities" defined.
- 43.83H.030 Proceeds of bonds.
- 43.83H.040 Administration of proceeds.
- 43.83H.050 Retirement of bonds from social and health services construction bond redemption fund--Source--Remedies of bond holders.
- 43.83H.060 Legal investment for public funds.

1977 BOND ISSUE

- 43.83H.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83H.110 "Social and health services facilities" defined.
- 43.83H.120 Anticipation notes--Proceeds of bonds and notes.
- 43.83H.130 Administration of proceeds.
- 43.83H.140 Retirement of bonds from social and health services construction bond redemption fund of 1976--Source--Remedies of bond holders.
- 43.83H.150 Legal investment for public funds.

1979 BOND ISSUE

- 43.83H.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Pledge and promise.
- 43.83H.162 "Social and health services facilities" defined.
- 43.83H.164 Bond anticipation notes--Deposit of proceeds of bonds and notes in social and health services construction account and social and health services bond redemption fund of 1979.
- 43.83H.166 Administration of proceeds.
- 43.83H.168 Retirement of bonds and notes from social and health services bond redemption fund of 1979--Retirement of bonds and notes from state general obligation bond retirement fund--Remedies of bondholders.
- 43.83H.170 Bonds legal investment for public funds.

1981 BOND ISSUE

- 43.83H.172 General obligation bonds--Authorized--Issuance--Pledge and promise.
- 43.83H.174 "Social and health services facilities" defined.
- 43.83H.176 Deposit of proceeds in state social and health services construction account--Use.
- 43.83H.178 Administration of proceeds.
- 43.83H.180 Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.
- 43.83H.182 Bonds legal investment for public funds.

1984 BOND ISSUE

- 43.83H.184 General obligation bonds--Authorized--Issuance--Price--Appropriation required.
- 43.83H.186 Deposit of proceeds in state social and health services construction account--Use.
- 43.83H.188 Administration of proceeds.
- 43.83H.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and

- promise--Remedies of bondholders.
43.83H.192 Legislature may provide additional means for payment of bonds.
43.83H.194 Bonds legal investment for public funds.

CONSTRUCTION

- 43.83H.900 Severability--1975-'76 2nd ex.s. c 125.
43.83H.910 Severability--1977 ex.s. c 342.
43.83H.912 Severability--1979 ex.s. c 252.
43.83H.914 Severability--1981 c 234.
43.83H.915 Severability--1984 c 269.

1975-'76 BOND ISSUE

RCW 43.83H.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty-one million four hundred thousand dollars or so much thereof as shall be required to finance social and health services facilities. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1975-'76 2nd ex.s. c 125 § 1.]

RCW 43.83H.020 "Social and health services facilities" defined.

Applicable Cases

As used in this chapter, the term "social and health services facilities" shall include, without limitation, facilities for use in veterans' service programs, adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the social and health services construction account in the general fund by chapter 276, Laws of 1975 1st ex. sess., the capital appropriations act, or subsequent capital appropriations acts.

[1975-'76 2nd ex.s. c 125 § 2.]

RCW 43.83H.030 Proceeds of bonds.

Applicable Cases

The proceeds from the sale of bonds authorized by *this chapter shall be deposited in the state social and health services construction account hereby created in the state treasury and shall be used exclusively for the purposes specified in this chapter and for the payment of expenses incurred in the issuance and sale of such bonds.

[1991 sp.s. c 13 § 56; 1985 c 57 § 49; 1975-'76 2nd ex.s. c 125 § 3.]

Notes:

***Reviser's note:** A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.83H.040 Administration of proceeds.

Applicable Cases

The principal proceeds from the sale of the bonds authorized in this chapter and deposited in the social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

[1975-'76 2nd ex.s. c 125 § 4.]

Notes:

Reviser's note: A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

RCW 43.83H.050 Retirement of bonds from social and health services construction bond redemption fund--Source--Remedies of bond holders.

Applicable Cases

The state social and health services bond redemption fund of 1976 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds and notes authorized by this chapter or any social and health services facilities bonds and notes hereafter authorized by the legislature. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state social and health services bond redemption fund of 1976 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

[1975-'76 2nd ex.s. c 125 § 5.]

Notes:

Reviser's note: A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

RCW 43.83H.060 Legal investment for public funds.

Applicable Cases

The bonds authorized by this chapter shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1975-'76 2nd ex.s. c 125 § 6.]

Notes:

Reviser's note: A literal translation of "this chapter" is RCW 43.83H.010 through 43.83H.060 and 43.83H.900.

1977 BOND ISSUE

RCW 43.83H.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.100 through 43.83H.150 and 43.83H.910 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The state finance committee is authorized to prescribe the form of such bonds, the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1977 ex.s. c 342 § 1.]

RCW 43.83H.110 "Social and health services facilities" defined.

Applicable Cases

As used in RCW 43.83H.100 through 43.83H.150 and 43.83H.910, the term "social and health services facilities", shall include, without limitation, facilities for use in adult correction

programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by chapter 338, Laws of 1977 ex. sess., the capital appropriations act, or subsequent capital appropriations acts.

[1977 ex.s. c 342 § 2.]

RCW 43.83H.120 Anticipation notes--Proceeds of bonds and notes.

Applicable Cases

At the time the state finance committee determines to issue such bonds authorized in RCW 43.83H.100 or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83H.100 through 43.83H.150 and 43.83H.910 shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83H.100 through 43.83H.150 and 43.83H.910 and for the payment of expenses incurred in the issuance and sale of such bonds and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state social and health services bond redemption fund of 1976 in the state treasury.

[1977 ex.s. c 342 § 3.]

RCW 43.83H.130 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83H.100 through 43.83H.150 and 43.83H.910 and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

[1977 ex.s. c 342 § 4.]

RCW 43.83H.140 Retirement of bonds from social and health services construction bond redemption fund of 1976--Source--Remedies of bond holders.

Applicable Cases

The state social and health services bond redemption fund of 1976 in the state treasury shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.83H.100 through 43.83H.150 and 43.83H.910. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 state social and health services bond redemption fund an

amount equal to the amount certified by the state finance committee to be due on such payment date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed herein.

[1977 ex.s. c 342 § 5.]

RCW 43.83H.150 Legal investment for public funds.

Applicable Cases

The bonds authorized by RCW 43.83H.100 through 43.83H.150 and 43.83H.910 shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1977 ex.s. c 342 § 6.]

1979 BOND ISSUE

RCW 43.83H.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Pledge and promise.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred and two million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

The state finance committee is authorized to prescribe the form of the bonds, the time of sale of all or any portion or portions of the bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1979 ex.s. c 252 § 1.]

RCW 43.83H.162 "Social and health services facilities" defined.

Applicable Cases

As used in RCW 43.83H.160 through 43.83H.170 and 43.83H.912, the term "social and health services facilities", shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental

disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by the capital appropriations act, or subsequent capital appropriations acts.

[1979 ex.s. c 252 § 2.]

RCW 43.83H.164 Bond anticipation notes--Deposit of proceeds of bonds and notes in social and health services construction account and social and health services bond redemption fund of 1979.

Applicable Cases

At the time the state finance committee determines to issue the bonds authorized in RCW 43.83H.160, or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". The proceeds from the sale of bonds and notes authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912 shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83H.160 through 43.83H.170 and 43.83H.912 and for the payment of expenses incurred in the issuance and sale of the bonds and notes: PROVIDED, That such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal and interest on the anticipation notes as have been issued shall be deposited in the state social and health services bond redemption fund of 1979, hereby created, in the state treasury.

[1979 ex.s. c 252 § 3.]

RCW 43.83H.166 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83H.160 through 43.83H.170 and 43.83H.912 and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of the department of social and health services.

[1979 ex.s. c 252 § 4.]

RCW 43.83H.168 Retirement of bonds and notes from social and health services bond redemption fund of 1979--Retirement of bonds and notes from state general obligation bond retirement fund--Remedies of bondholders.

Applicable Cases

The state social and health services bond redemption fund of 1979 hereby created in the state treasury shall be used for the purpose of the payment of interest on and retirement of the bonds and notes authorized to be issued by RCW 43.83H.160 through 43.83H.170 and 43.83H.912. The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal

and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1979 state social and health services bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912, the state general obligation bond retirement fund shall be used for purposes of RCW 43.83H.160 through 43.83H.170 and 43.83H.912 in lieu of the state social and health services bond redemption fund of 1979, and the state social and health services bond redemption fund of 1979 shall cease to exist.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed in this section.

[1979 ex.s. c 252 § 5.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83H.170 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized by RCW 43.83H.160 through 43.83H.170 and 43.83H.912 shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 252 § 6.]

1981 BOND ISSUE

RCW 43.83H.172 General obligation bonds--Authorized--Issuance--Pledge and promise.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, improving, and equipping of social and health services and department of corrections facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred eight-seven [eighty-seven] million four hundred twenty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83H.172 through 43.83H.182 may be offered for sale without prior legislative appropriation.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due.

[1983 1st ex.s. c 54 § 8; 1982 1st ex.s. c 23 § 3; 1981 c 234 § 1.]

Notes:

Severability--1983 1st ex.s. c 54: See RCW 43.83.196.

RCW 43.83H.174 "Social and health services facilities" defined.

Applicable Cases

As used in RCW 43.83H.172 through 43.83H.182, the term "social and health services facilities" shall include, without limitation, facilities for use in adult correction programs, juvenile rehabilitation programs, mental health programs, and developmental disabilities programs for which an appropriation is made from the state social and health services construction account in the general fund by the capital appropriations act, or subsequent capital appropriations acts.

[1981 c 234 § 2.]

RCW 43.83H.176 Deposit of proceeds in state social and health services construction account--Use.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 43.83H.172 through 43.83H.182 shall be deposited in the state social and health services construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.83H.172 through 43.83H.182 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1981 c 234 § 3.]

RCW 43.83H.178 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83H.172 through 43.83H.182 and deposited in the state social and health services construction account in the general fund shall be administered by the secretary of social and health services.

[1981 c 234 § 4.]

RCW 43.83H.180 Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the purpose of the payment of interest on and retirement of the bonds authorized to be issued by RCW 43.83H.172 through 43.83H.182.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount needed in the ensuing twelve months, to meet bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment

date.

The owner and holder of each of the bonds or the trustee for any of the bonds, by mandamus or other appropriate proceeding, may require and compel the transfer and payment of funds as directed in this section.

[1981 c 234 § 5.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83H.182 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized by RCW 43.83H.172 through 43.83H.180 shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1981 c 234 § 6.]

1984 BOND ISSUE

RCW 43.83H.184 General obligation bonds--Authorized--Issuance--Price--Appropriation required.

Applicable Cases

For the purpose of providing needed capital improvements consisting of fire safety projects and the design, construction, repair, renovating, and equipping of buildings and facilities of the department of social and health services, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fourteen million six hundred sixty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1984 c 269 § 1.]

RCW 43.83H.186 Deposit of proceeds in state social and health services construction account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83H.184 shall be deposited in the state social and health services construction account in the general fund and shall be used exclusively for the purposes specified in RCW 43.83H.184 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1984 c 269 § 2.]

RCW 43.83H.188 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited under RCW 43.83H.186 in the state social and health services construction account of the general fund shall be administered by the department of social and health services, subject to legislative appropriation.

[1984 c 269 § 3.]

RCW 43.83H.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83H.184.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83H.184 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1984 c 269 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83H.192 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83H.184, and RCW 43.83H.190 shall not be deemed to provide an exclusive method for the payment.

[1984 c 269 § 5.]

RCW 43.83H.194 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83H.184 shall be a legal investment for all state funds

or funds under state control and for all funds of any other public body.

[1984 c 269 § 6.]

CONSTRUCTION

RCW 43.83H.900 Severability--1975-'76 2nd ex.s. c 125.

Applicable Cases

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

[1975-'76 2nd ex.s. c 125 § 8.]

RCW 43.83H.910 Severability--1977 ex.s. c 342.

Applicable Cases

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

[1977 ex.s. c 342 § 7.]

RCW 43.83H.912 Severability--1979 ex.s. c 252.

Applicable Cases

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

[1979 ex.s. c 252 § 7.]

RCW 43.83H.914 Severability--1981 c 234.

Applicable Cases

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

[1981 c 234 § 7.]

RCW 43.83H.915 Severability--1984 c 269.

Applicable Cases

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

[1984 c 269 § 7.]

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DEPARTMENT OF FISHERIES--BOND ISSUES1975-'76 BOND ISSUE

- 43.83I.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83I.020 Bond anticipation notes--Proceeds of bonds and interest on notes.
- 43.83I.030 Bonds and notes--Powers and duties of state finance committee.
- 43.83I.040 Fisheries capital projects account created--Proceeds deposited in--Exception.
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1977 BOND ISSUE

- 43.83I.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.
- 43.83I.110 Bond anticipation notes--Proceeds of bonds and interest on notes.
- 43.83I.120 Bonds and notes--Powers and duties of state finance committee.
- 43.83I.130 Proceeds deposited in fisheries capital projects account--Exception.
- 43.83I.140 1977 fisheries bond retirement fund created.
- 43.83I.150 Legal investment for public funds.

1979 BOND ISSUE

- 43.83I.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.
- 43.83I.162 Bond anticipation notes--Payment.
- 43.83I.164 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.
- 43.83I.168 Retirement of bonds from 1977 fisheries bond retirement fund.
- 43.83I.170 Bonds legal investment for public funds.

1981 BOND ISSUE

- 43.83I.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.
- 43.83I.174 Bond anticipation notes.
- 43.83I.176 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.
- 43.83I.178 Proceeds deposited in fisheries capital projects account--Use.
- 43.83I.180 Retirement of bonds from 1977 fisheries bond retirement fund.
- 43.83I.182 Bonds legal investment for public funds.

1983 BOND ISSUE

- 43.83I.184 General obligation bonds--Authorized--Issuance--Appropriation required.
- 43.83I.186 Deposit of proceeds in fisheries capital projects account--Use.
- 43.83I.188 Administration of proceeds.
- 43.83I.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.83I.192 Legislature may provide additional means for payment of bonds.
- 43.83I.194 Bonds legal investment for public funds.

CONSTRUCTION

- 43.83I.900 Severability--1975-'76 2nd ex.s. c 132.
- 43.83I.910 Severability--1977 ex.s. c 343.
- 43.83I.912 Severability--1979 ex.s. c 224.
- 43.83I.914 Severability--1981 c 231.
- 43.83I.915 Severability--1983 1st ex.s. c 59.

1975-'76 BOND ISSUE

RCW 43.83I.010 General obligation bonds--Authorized--Issuance, sale, terms, etc.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is hereby authorized to issue from time to time general obligation bonds of the state of Washington in the aggregate principal amount of five million one hundred thirty-two thousand nine hundred dollars, or so much thereof as shall be required to finance the capital projects relating to the *department of fisheries as determined by the legislature in its capital appropriations act, chapter 133, Laws of 1975-'76 2nd ex. sess. for such purposes, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1, of the Constitution of the state of Washington.

[1975-'76 2nd ex.s. c 132 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.020 Bond anticipation notes--Proceeds of bonds and interest on notes.

Applicable Cases

When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in RCW 43.83I.010, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

[1975-'76 2nd ex.s. c 132 § 2.]

RCW 43.83I.030 Bonds and notes--Powers and duties of state finance committee.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.010 and 43.83I.020, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1975-'76 2nd ex.s. c 132 § 3.]

RCW 43.83I.040 Fisheries capital projects account created--Proceeds deposited in--Exception.

Applicable Cases

Except for that portion of the proceeds required to pay bond anticipation notes pursuant to RCW 43.83I.020, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.010 through 43.83I.060, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund hereby created in the state treasury. All such proceeds shall be used exclusively for the purposes specified in RCW 43.83I.010 through 43.83I.060 and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

[1975-'76 2nd ex.s. c 132 § 4.]

RCW 43.83I.050 1976 fisheries bond retirement fund created.

Applicable Cases

The 1976 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to RCW 43.83I.010 through 43.83I.060.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. On July 1st of each such year the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1976 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee.

[1975-'76 2nd ex.s. c 132 § 5.]

RCW 43.83I.060 Legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83I.010 through 43.83I.060 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1975-'76 2nd ex.s. c 132 § 6.]

1977 BOND ISSUE

RCW 43.83I.100 General obligation bonds--Authorized--Issuance, sale, terms, etc.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the

*department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by RCW 43.83I.100 through 43.83I.150 and 43.83I.910 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1977 ex.s. c 343 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.110 Bond anticipation notes--Proceeds of bonds and interest on notes.

Applicable Cases

When the state finance committee has determined to issue such general obligation bonds or a portion thereof as authorized in RCW 43.83I.100, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of such bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and redemption premium, if any, and interest on such notes shall be applied thereto when such bonds are issued.

[1977 ex.s. c 343 § 2.]

RCW 43.83I.120 Bonds and notes--Powers and duties of state finance committee.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.100 and 43.83I.110, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each such bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1977 ex.s. c 343 § 3.]

RCW 43.83I.130 Proceeds deposited in fisheries capital projects account--Exception.

Applicable Cases

Except for that portion of the proceeds required to pay bond anticipation notes pursuant to RCW 43.83I.110, the proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.100 through 43.83I.150, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund in the state treasury. All such proceeds shall be used exclusively for the purposes

specified in RCW 43.83I.100 through 43.83I.150 and for the payment of the expenses incurred in connection with the sale and issuance of such bonds and bond anticipation notes.

[1977 ex.s. c 343 § 4.]

RCW 43.83I.140 1977 fisheries bond retirement fund created.

Applicable Cases

The 1977 fisheries bond retirement fund is hereby created in the state treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to RCW 43.83I.100 through 43.83I.150.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

[1977 ex.s. c 343 § 5.]

RCW 43.83I.150 Legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83I.100 through 43.83I.150 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1977 ex.s. c 343 § 6.]

1979 BOND ISSUE

RCW 43.83I.160 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five million forty-five thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83I.160 through 43.83I.170 and 43.83I.912 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1987 1st ex.s. c 3 § 10; 1979 ex.s. c 224 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

Severability--1987 1st ex.s. c 3: See RCW 43.99G.901.

RCW 43.83I.162 Bond anticipation notes--Payment.

Applicable Cases

When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in RCW 43.83I.160, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of the bonds as may be required for the payment of the principal and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

[1979 ex.s. c 224 § 2.]

RCW 43.83I.164 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.160 and 43.83I.162, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1979 ex.s. c 224 § 3.]

RCW 43.83I.168 Retirement of bonds from 1977 fisheries bond retirement fund.

Applicable Cases

The 1977 fisheries bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and interest on the bonds authorized to be issued under RCW 43.83I.160 through 43.83I.170.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1979 ex.s. c 224 § 5.]

RCW 43.83I.170 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83I.160 through 43.83I.168 shall constitute a legal

investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 224 § 6.]

1981 BOND ISSUE

RCW 43.83I.172 General obligation bonds--Authorized--Issuance, sale, terms, etc.--Appropriation required.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million five hundred thousand dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by RCW 43.83I.172 through 43.83I.182 may be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1981 c 231 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.174 Bond anticipation notes.

Applicable Cases

When the state finance committee has determined to issue the general obligation bonds or a portion thereof as authorized in RCW 43.83I.172, it may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes."

[1981 c 231 § 2.]

RCW 43.83I.176 Form, terms, conditions, etc., of bonds and notes--Pledge and promise.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or the bond anticipation notes provided for in RCW 43.83I.172 and 43.83I.174, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

Each bond and bond anticipation note shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal thereof and interest thereon when due.

[1981 c 231 § 3.]

RCW 43.83I.178 Proceeds deposited in fisheries capital projects account--Use.

Applicable Cases

The proceeds from the sale of the bonds and/or bond anticipation notes authorized in RCW 43.83I.172 through 43.83I.182, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the fisheries capital projects account of the general fund in the state treasury. All of these proceeds shall be used exclusively for the purposes specified in RCW 43.83I.172 through 43.83I.182 and for the payment of the expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

[1981 c 231 § 4.]

RCW 43.83I.180 Retirement of bonds from 1977 fisheries bond retirement fund.

Applicable Cases

The 1977 fisheries bond retirement fund in the state treasury shall be used for the purpose of the payment of the principal of and interest on the bonds authorized to be issued under RCW 43.83I.172 through 43.83I.182.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 fisheries bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1981 c 231 § 5.]

RCW 43.83I.182 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83I.172 through 43.83I.180 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1981 c 231 § 6.]

1983 BOND ISSUE

RCW 43.83I.184 General obligation bonds--Authorized--Issuance--Appropriation required.

Applicable Cases

For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, refurbishing, furnishing, and equipping of state buildings and facilities

for the *department of fisheries, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million one hundred sixty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized in this section may be offered for sale without prior legislative appropriation.

[1983 1st ex.s. c 59 § 1.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

RCW 43.83I.186 Deposit of proceeds in fisheries capital projects account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.83I.184 shall be deposited in the fisheries capital projects account in the state general fund and shall be used exclusively for the purposes specified in RCW 43.83I.184 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1983 1st ex.s. c 59 § 2.]

RCW 43.83I.188 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited under RCW 43.83I.186 in the fisheries capital projects account of the general fund shall be administered by the department of fish and wildlife, subject to legislative appropriation.

[1994 c 264 § 29; 1983 1st ex.s. c 59 § 3.]

RCW 43.83I.190 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.83I.184.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.83I.184 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the

principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1983 1st ex.s. c 59 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.83I.192 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.83I.184, and RCW 43.83I.190 shall not be deemed to provide an exclusive method for the payment.

[1983 1st ex.s. c 59 § 5.]

RCW 43.83I.194 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.83I.184 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1983 1st ex.s. c 59 § 6.]

CONSTRUCTION

RCW 43.83I.900 Severability--1975-'76 2nd ex.s. c 132.

Applicable Cases

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

[1975-'76 2nd ex.s. c 132 § 8.]

RCW 43.83I.910 Severability--1977 ex.s. c 343.

Applicable Cases

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

[1977 ex.s. c 343 § 7.]

RCW 43.83I.912 Severability--1979 ex.s. c 224.

Applicable Cases

If any provision of this act or its application to any person or circumstance is held invalid,

the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 224 § 7.]

RCW 43.83I.914 Severability--1981 c 231.

Applicable Cases

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

[1981 c 231 § 7.]

RCW 43.83I.915 Severability--1983 1st ex.s. c 59.

Applicable Cases

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

[1983 1st ex.s. c 59 § 7.]

**Chapter 43.84 RCW
INVESTMENTS AND INTERFUND LOANS**

RCW

- 43.84.031 Management of permanent funds--Procedural policies--Limitation on purchase, sale or exchange prices for securities.
- 43.84.041 Management of permanent funds--Disposition of securities.
- 43.84.051 Management of permanent funds--Collection of interest, income and principal of securities--Disposition.
- 43.84.061 Management of permanent funds in accordance with established standards.
- 43.84.080 Investment of current state funds.
- 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited.
- 43.84.095 Exemption from reserve fund--Motor vehicle fund income from United States securities.
- 43.84.120 Investment in state warrants.
- 43.84.130 Separate accounting as to permanent school fund.
- 43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.
- 43.84.150 Authority of state investment board to invest, reinvest, manage investments acquired.
- 43.84.160 Investment counseling fees payable from earnings.
- 43.84.170 Investment of surplus moneys in common school fund, agricultural college fund, normal school fund, scientific school fund or university fund.

Notes:

Federal home owner's loan corporation bonds, valid investment for public and trust funds: RCW 39.60.010.

Firemen's pension board, investments by: RCW 41.16.040.

Highway construction bonds, investment in: Chapter 47.10 RCW.

Housing authority bonds, authorized as legal investments: RCW 35.82.220.

Industrial insurance funds: Chapter 51.44 RCW.

Investment accounting: RCW 43.33A.180.

Judicial retirement--Investment for supplemental retirement: RCW 2.14.080.

Metropolitan municipal corporation obligations, authorized for public deposits: RCW 35.58.510.

Mutual savings banks, investments in state bonds: RCW 32.20.050.

Port district toll facility bonds and notes as legal investments: RCW 53.34.150.

Public utility district revenue obligations as legal investments: RCW 54.24.120.

School building construction bonds: Chapter 28A.525 RCW.

Schools and school districts' bonds, investment of permanent school fund in: State Constitution Art. 16 § 5.

State-wide city employees' retirement system funds: RCW 41.44.100.

United States corporation bonds, valid investment for public and trust funds: RCW 39.60.010.

Urban renewal bonds: RCW 35.81.110.

RCW 43.84.031 Management of permanent funds--Procedural policies--Limitation on purchase, sale or exchange prices for securities.

Applicable Cases

Subject to the limitation of authority delegated by RCW 43.84.031 through 43.84.061 and RCW 43.84.150, the state investment board shall adopt procedural policies governing the management of said permanent trust funds.

[1981 c 3 § 17; 1973 1st ex.s. c 103 § 5; 1965 ex.s. c 104 § 3.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

State investment board: Chapter 43.33A RCW.

RCW 43.84.041 Management of permanent funds--Disposition of securities.

Applicable Cases

All securities purchased or held on behalf of said funds, shall be held and disbursed through the state treasury and shall be in the physical custody of the state treasurer, who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof.

[1965 ex.s. c 104 § 4.]

RCW 43.84.051 Management of permanent funds--Collection of interest, income and principal of securities--Disposition.

Applicable Cases

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to

which the principal and interest shall accrue, less the allocation to the state treasurer's service account [fund] pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

[1991 sp.s. c 13 § 93; 1965 ex.s. c 104 § 5.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.84.061 Management of permanent funds in accordance with established standards.

Applicable Cases

Any investments made hereunder by the state investment board shall be made in accordance with the standards established in RCW 43.33A.140.

[1998 c 14 § 3; 1965 ex.s. c 104 § 6.]

RCW 43.84.080 Investment of current state funds.

Applicable Cases

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

(2) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

(4) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(5) Bankers' acceptances purchased on the secondary market;

(6) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state

investment board;

(7) Commercial paper: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board.

[1982 c 148 § 1; 1981 c 3 § 18; 1979 ex.s. c 154 § 1; 1975 1st ex.s. c 4 § 1; 1971 c 16 § 1; 1967 c 211 § 1; 1965 c 8 § 43.84.080. Prior: 1961 c 281 § 11; 1955 c 197 § 1; 1935 c 91 § 1; RRS § 5508-1.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1961 c 281: See note following RCW 47.12.180.

Motor vehicle fund warrants for state highway acquisition: RCW 47.12.180 through 47.12.240.

RCW 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited. (Effective until September 1, 2000.)

Applicable Cases

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal

*justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system plan 2 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the *volunteer fire fighters' relief and pension principal account, the **volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.*

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the marine operating

fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) *In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.*

[1999 c 380 § 8; 1999 c 309 § 928; 1999 c 268 § 4; 1999 c 94 § 2; 1997 c 218 § 5; 1996 c 262 § 4. Prior: 1995 c 394 § 1; 1995 c 122 § 12; prior: 1994 c 2 § 6 (Initiative Measure No. 601, approved November 2, 1993); 1993 sp.s. c 25 § 511; 1993 sp.s. c 8 § 1; 1993 c 500 § 6; 1993 c 492 § 473; 1993 c 445 § 4; 1993 c 329 § 2; 1993 c 4 § 9; 1992 c 235 § 4; 1991 sp.s. c 13 § 57; 1990 2nd ex.s. c 1 § 204; 1989 c 419 § 12; 1985 c 57 § 51.]

Notes:

Reviser's note: **(1) The "volunteer fire fighters' relief and pension principal account" was redesignated the "volunteer fire fighters' and reserve officers' relief and pension principal fund" by 1999 c 148.*

**** (2)** *The "volunteer fire fighters' relief and pension administrative fund" was redesignated the "volunteer fire fighters' and reserve officers' administrative fund" by 1999 c 148.*

(3) *This section was amended by 1999 c 94 § 2, 1999 c 268 § 4, 1999 c 309 § 928, and by 1999 c 380 § 8, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).*

Severability--Effective date--1999 c 380: *See RCW 43.99P.900 and 43.99P.901.*

Expiration date--1999 c 309 § 928: *"Section 928 of this act expires September 1, 2000." [1999 c 309 § 930.]*

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: *See note following RCW 43.79.480.*

Severability--1999 c 309: *See note following RCW 41.45.063.*

Expiration date--1999 c 268 § 4: *"Section 4 of this act expires September 1, 2000." [1999 c 268 § 6.]*

Legislative finding--1999 c 94: *"The legislature finds that a periodic review of the accounts and their uses is necessary. While creating new accounts may facilitate the implementation of legislative intent, the creation of too many accounts limits the effectiveness of performance-based budgeting. Too many accounts also limit the flexibility of the legislature to address emerging and changing issues in addition to creating administrative burdens for the responsible agencies. Accounts created for specific purposes may no longer be valid or needed. Accordingly, this act eliminates accounts that are not in use or are unneeded and consolidates accounts that are similar in nature." [1999 c 94 § 1.]*

Effective dates--1999 c 94: *"(1) Sections 1, 2, 5 through 24, 29 through 31, and 33 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.*

(2) Section 4 of this act takes effect September 1, 2000.

(3) Sections 32 and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 1999.

(4) Sections 3, 25 through 28, and 34 of this act take effect July 1, 2000." [1999 c 94 § 35.]

Expiration date--1999 c 94 §§ 2 and 3: *"Sections 2 and 3 of this act expire September 1, 2000." [1999 c 94 § 36.]*

Findings--Effective date--1997 c 218: *See notes following RCW 70.119.030.*

Transportation infrastructure account--Highway infrastructure

account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

Effective date--1995 c 394: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 1995." [1995 c 394 § 3.]

Declaration--Intent--Purpose--1995 c 122: See RCW 59.21.006.

Severability--Effective date--1995 c 122: See RCW 59.21.904 and 59.21.905.

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 sp.s. c 25: See note following RCW 82.45.010.

Effective date--Application--1993 sp.s. c 8: "This act shall take effect July 1, 1993, but shall not be effective for earnings on balances prior to July 1, 1993." [1993 sp.s. c 8 § 3.]

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective date--1993 c 329: See note following RCW 90.50A.020.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Applicability--1990 2nd ex.s. c 1: See note following RCW 82.14.050.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited. (Effective July 1, 2000, until September 1, 2000.)

Applicable Cases

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) *Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.*

(4) *Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:*

(a) *The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system plan 2 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the *volunteer fire fighters' relief and pension principal account, the **volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington state*

patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

[1999 c 380 § 8; 1999 c 309 § 928; 1999 c 268 § 4; 1999 c 94 § 3; 1999 c 94 § 2; 1997 c 218 § 5; 1996 c 262 § 4. Prior: 1995 c 394 § 1; 1995 c 122 § 12; prior: 1994 c 2 § 6 (Initiative Measure No. 601, approved November 2, 1993); 1993 sp.s. c 25 § 511; 1993 sp.s. c 8 § 1; 1993 c 500 § 6; 1993 c 492 § 473; 1993 c 445 § 4; 1993 c 329 § 2; 1993 c 4 § 9; 1992 c 235 § 4; 1991 sp.s. c 13 § 57; 1990 2nd ex.s. c 1 § 204; 1989 c 419 § 12; 1985 c 57 § 51.]

Notes:

Reviser's note: **(1) The "volunteer fire fighters' relief and pension principal account" was redesignated the "volunteer fire fighters' and reserve officers' relief and pension principal fund" by 1999 c 148.*

*******(2) The "volunteer fire fighters' relief and pension administrative fund" was redesignated the "volunteer fire fighters' and reserve officers' administrative fund" by 1999 c 148.*

(3) This section was amended by 1999 c 94 § 2, 1999 c 94 § 3, 1999 c 268 § 4, 1999 c 309 § 928, and by 1999 c 380 § 8, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective date--1999 c 380: *See RCW 43.99P.900 and 43.99P.901.*

Expiration date--1999 c 309 § 928: *"Section 928 of this act expires September 1, 2000." [1999 c 309 § 930.]*

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: *See note following RCW 43.79.480.*

Severability--1999 c 309: *See note following RCW 41.45.063.*

Expiration date--1999 c 268 § 4: *"Section 4 of this act expires September 1, 2000." [1999 c 268 § 6.]*

Legislative finding--1999 c 94: *"The legislature finds that a periodic review of the accounts and their uses*

is necessary. While creating new accounts may facilitate the implementation of legislative intent, the creation of too many accounts limits the effectiveness of performance-based budgeting. Too many accounts also limit the flexibility of the legislature to address emerging and changing issues in addition to creating administrative burdens for the responsible agencies. Accounts created for specific purposes may no longer be valid or needed. Accordingly, this act eliminates accounts that are not in use or are unneeded and consolidates accounts that are similar in nature." [1999 c 94 § 1.]

Effective dates--1999 c 94: "(1) Sections 1, 2, 5 through 24, 29 through 31, and 33 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

(2) Section 4 of this act takes effect September 1, 2000.

(3) Sections 32 and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 1999.

(4) Sections 3, 25 through 28, and 34 of this act take effect July 1, 2000." [1999 c 94 § 35.]

Expiration date--1999 c 94 §§ 2 and 3: "Sections 2 and 3 of this act expire September 1, 2000." [1999 c 94 § 36.]

Findings--Effective date--1997 c 218: See notes following RCW 70.119.030.

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

Effective date--1995 c 394: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 1995." [1995 c 394 § 3.]

Declaration--Intent--Purpose--1995 c 122: See RCW 59.21.006.

Severability--Effective date--1995 c 122: See RCW 59.21.904 and 59.21.905.

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 sp.s. c 25: See note following RCW 82.45.010.

Effective date--Application--1993 sp.s. c 8: "This act shall take effect July 1, 1993, but shall not be effective for earnings on balances prior to July 1, 1993." [1993 sp.s. c 8 § 3.]

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective date--1993 c 329: See note following RCW 90.50A.020.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Applicability--1990 2nd ex.s. c 1: See note following RCW 82.14.050.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited. (Effective September 1, 2000.)

Applicable Cases

(1) *All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.*

(2) *The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.*

(3) *Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.*

(4) *Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:*

(a) *The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees'*

*retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the *volunteer fire fighters' relief and pension principal account, the **volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.*

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

[1999 c 309 § 929; 1999 c 268 § 5; 1999 c 94 § 4; 1998 c 341 § 708; 1997 c 218 § 5; 1996 c 262 § 4. Prior: 1995 c 394 § 1; 1995 c 122 § 12; prior: 1994 c 2 § 6 (Initiative Measure No. 601, approved November 2, 1993); 1993 sp.s. c 25 § 511; 1993 sp.s. c 8 § 1; 1993 c 500 § 6; 1993 c 492 § 473; 1993 c 445 § 4; 1993 c 329 § 2; 1993 c 4 §

9; 1992 c 235 § 4; 1991 sp.s. c 13 § 57; 1990 2nd ex.s. c 1 § 204; 1989 c 419 § 12; 1985 c 57 § 51.]

Notes:

Reviser's note: *(1) The "volunteer fire fighters' relief and pension principal account" was redesignated the "volunteer fire fighters' and reserve officers' relief and pension principal fund" by 1999 c 148.

***(2) The "volunteer fire fighters' relief and pension administrative fund" was redesignated the "volunteer fire fighters' and reserve officers' administrative fund" by 1999 c 148.

(3) This section was amended by 1999 c 94 § 4, 1999 c 268 § 5, and by 1999 c 309 § 929, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective dates--1999 c 309 §§ 927-929, 931, and 1101-1902: See note following RCW 43.79.480.

Severability--1999 c 309: See note following RCW 41.45.063.

Effective date--1999 c 268 § 5: "Section 5 of this act takes effect September 1, 2000." [1999 c 268 § 7.]

Legislative finding--1999 c 94: "The legislature finds that a periodic review of the accounts and their uses is necessary. While creating new accounts may facilitate the implementation of legislative intent, the creation of too many accounts limits the effectiveness of performance-based budgeting. Too many accounts also limit the flexibility of the legislature to address emerging and changing issues in addition to creating administrative burdens for the responsible agencies. Accounts created for specific purposes may no longer be valid or needed. Accordingly, this act eliminates accounts that are not in use or are unneeded and consolidates accounts that are similar in nature." [1999 c 94 § 1.]

Effective dates--1999 c 94: "(1) Sections 1, 2, 5 through 24, 29 through 31, and 33 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 1999.

(2) Section 4 of this act takes effect September 1, 2000.

(3) Sections 32 and 37 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 30, 1999.

(4) Sections 3, 25 through 28, and 34 of this act take effect July 1, 2000." [1999 c 94 § 35.]

Effective date--1998 c 341: See RCW 41.35.901.

Findings--Effective date--1997 c 218: See notes following RCW 70.119.030.

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

Effective date--1995 c 394: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 1995." [1995 c 394 § 3.]

Declaration--Intent--Purpose--1995 c 122: See RCW 59.21.006.

Severability--Effective date--1995 c 122: See RCW 59.21.904 and 59.21.905.

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 sp.s. c 25: See note following RCW 82.45.010.

Effective date--Application--1993 sp.s. c 8: "This act shall take effect July 1, 1993, but shall not be effective for earnings on balances prior to July 1, 1993." [1993 sp.s. c 8 § 3.]

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective date--1993 c 329: See note following RCW 90.50A.020.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Applicability--1990 2nd ex.s. c 1: See note following RCW 82.14.050.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.84.092 Deposit of surplus balance investment earnings--Treasury income account--Accounts and funds credited (as amended by 1999 c 380). (Effective September 1, 2000.)

Applicable Cases

(1) *All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.*

(2) *The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.*

(3) *Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.*

(4) *Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:*

(a) *The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing*

*building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system plan 2 account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the *volunteer fire fighters' relief and pension principal account, the **volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.*

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the department of licensing services account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the gasohol exemption holding account, the grade crossing protective fund, the high

capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the marine operating fund, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the small city account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation revolving loan account, and the urban arterial trust account.

(5) *In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.*

[1999 c 380 § 9; 1998 c 341 § 708; 1997 c 218 § 5; 1996 c 262 § 4. Prior: 1995 c 394 § 1; 1995 c 122 § 12; prior: 1994 c 2 § 6 (Initiative Measure No. 601, approved November 2, 1993); 1993 sp.s. c 25 § 511; 1993 sp.s. c 8 § 1; 1993 c 500 § 6; 1993 c 492 § 473; 1993 c 445 § 4; 1993 c 329 § 2; 1993 c 4 § 9; 1992 c 235 § 4; 1991 sp.s. c 13 § 57; 1990 2nd ex.s. c 1 § 204; 1989 c 419 § 12; 1985 c 57 § 51.]

Notes:

Reviser's note: *(1) The "volunteer fire fighters' relief and pension principal account" was redesignated the "volunteer fire fighters' and reserve officers' relief and pension principal fund" by 1999 c 148.

** (2) The "volunteer fire fighters' relief and pension administrative fund" was redesignated the "volunteer fire fighters' and reserve officers' administrative fund" by 1999 c 148.

(3) This section as amended by 1998 c 341 § 708 takes effect September 1, 2000. The inclusion of the 1999 c 380 § 9 amendments to this section in the 1999 c 380 § 12 emergency clause was apparently erroneous.

Severability--Effective date--1999 c 380: See RCW 43.99P.900 and 43.99P.901.

Effective date--1998 c 341: See RCW 41.35.901.

Findings--Effective date--1997 c 218: See notes following RCW 70.119.030.

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.

Effective date--1996 c 262: See note following RCW 82.44.190.

Effective date--1995 c 394: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 1995." [1995 c 394 § 3.]

Declaration--Intent--Purpose--1995 c 122: See RCW 59.21.006.

Severability--Effective date--1995 c 122: See RCW 59.21.904 and 59.21.905.

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

Severability--Effective dates--Part headings, captions not law--1993 sp.s. c 25: See notes following RCW 82.04.230.

Findings--Intent--1993 sp.s. c 25: See note following RCW 82.45.010.

Effective date--Application--1993 sp.s. c 8: "This act shall take effect July 1, 1993, but shall not be effective for earnings on balances prior to July 1, 1993." [1993 sp.s. c 8 § 3.]

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Effective date--1993 c 329: See note following RCW 90.50A.020.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Applicability--1990 2nd ex.s. c 1: See note following RCW 82.14.050.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Intent--Effective date--1989 c 419: See notes following RCW 4.92.006.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.84.095 Exemption from reserve fund--Motor vehicle fund income from United States securities.

Applicable Cases

Whenever moneys of the motor vehicle fund shall be invested in bonds, notes, bills or certificates of the United States treasury payable at par upon demand, or within a term not greater than one year, it shall not be necessary to place any portion of the income therefrom in the reserve fund provided for in *RCW 43.84.090.

[1965 c 8 § 43.84.095. Prior: 1953 c 56 § 1.]

Notes:

***Reviser's note:** RCW 43.84.090 was repealed by 1991 sp.s. c 13 § 122, effective July 1, 1991.

RCW 43.84.120 Investment in state warrants.

Applicable Cases

Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, and over and above the amount belonging to the permanent school fund as shown by the separation made by the state treasurer, the state treasurer may invest such portion of such funds or balances over and above that belonging to the permanent school fund in registered warrants of the state of Washington at such times and in such amounts, and may sell them at such times, as he deems advisable: PROVIDED, That those funds having statutory authority to make investments are excluded from the provisions of RCW 43.84.120.

Upon such investment being made, the state treasurer shall pay into the appropriate fund the amount so invested, and the warrants so purchased shall be deposited with the state treasurer, who shall collect all interest and principal payments falling due thereon and allocate the same to the proper fund or funds.

[1971 ex.s. c 88 § 4; 1965 c 8 § 43.84.120. Prior: 1951 c 232 § 2.]

Notes:

Severability--1971 ex.s. c 88: See note following RCW 43.08.070.

RCW 43.84.130 Separate accounting as to permanent school fund.

Applicable Cases

For the purposes of RCW 43.84.120 the state treasurer shall make and keep an accounting separation of the amount of cash balances in the state treasury belonging to the permanent school

fund.

[1965 c 8 § 43.84.130. Prior: 1951 c 232 § 1.]

RCW 43.84.140 Investment of scientific school, agricultural college, and state university funds in regents' revenue bonds.

Applicable Cases

The state investment board is authorized to invest moneys in the scientific school permanent fund and the agricultural college permanent fund in regents' revenue bonds issued by the board of regents of Washington State University for the purposes provided for in RCW 28B.10.300 and to invest moneys in the state university permanent fund in regents' revenue bonds issued by the board of regents of the University of Washington for the purposes provided in RCW 28B.10.300.

[1981 c 3 § 19; 1965 c 8 § 43.84.140. Prior: 1959 c 150 § 1.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 43.84.150 Authority of state investment board to invest, reinvest, manage investments acquired.

Applicable Cases

Except where otherwise specifically provided by law, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired. Investments shall be made in accordance with RCW 43.33A.140 and investment policy duly established and published by the state investment board.

[1998 c 14 § 4; 1981 c 98 § 1; 1981 c 3 § 20; 1979 c 119 § 3; 1977 ex.s. c 251 § 5; 1975-'76 2nd ex.s. c 17 § 2. Prior: 1975 1st ex.s. c 252 § 1; 1975 1st ex.s. c 81 § 1; 1973 1st ex.s. c 103 § 12.]

Notes:

Effective date--1981 c 98: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 98 § 2.]

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

RCW 43.84.160 Investment counseling fees payable from earnings.

Applicable Cases

Investment counseling fees established by contract shall be payable from the investment earnings derived from those assets being managed by investment counsel.

[1973 1st ex.s. c 103 § 13.]

Notes:

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

RCW 43.84.170 Investment of surplus moneys in common school fund, agricultural college

fund, normal school fund, scientific school fund or university fund.

Applicable Cases

Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state investment board has full power to invest or reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise.

[1981 c 3 § 21; 1973 1st ex.s. c 103 § 14.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

Agricultural permanent fund: RCW 43.79.130.

Normal school permanent fund: RCW 43.79.160.

Permanent common school fund: State Constitution Art. 9 § 3, RCW 28A.515.300.

Scientific permanent fund: RCW 43.79.110.

University permanent fund: RCW 43.79.060.

**Chapter 43.85 RCW
STATE DEPOSITARIES**

RCW

- 43.85.070 Deposits deemed in state treasury--Liability.
- 43.85.130 Deposit of commissioner of public lands and department of natural resources funds--Natural resources deposit fund--Repayments.
- 43.85.190 Investment deposits and rate of interest.
- 43.85.200 Investment deposits and rate of interest--State moneys defined.
- 43.85.210 Investment deposits and rate of interest--Demand and time accounts authorized.
- 43.85.220 Investment deposits and rate of interest--Members of federal reserve or federal deposit insurance corporation.
- 43.85.230 Investment deposits and rate of interest--Term deposit basis.

Notes:

Public depositaries, deposit and investment of public funds: Chapter 39.58 RCW.

RCW 43.85.070 Deposits deemed in state treasury--Liability.

Applicable Cases

The state treasurer may deposit with any qualified public depository which has fully complied with all requirements of law and the regulations of the public deposit protection commission any state moneys in his hands or under his official control and any sum so on deposit shall be deemed to be in the state treasury, and he shall not be liable for any loss thereof resulting from the failure or default of any such depository without fault or neglect on his part or on the part of his assistants or clerks.

[1969 ex.s. c 193 § 18; 1965 c 8 § 43.85.070. Prior: 1945 c 129 § 2; 1943 c 134 § 1; 1935 c 139 § 3; 1931 c 87 § 2; 1907 c 37 § 4; Rem. Supp. 1945 § 5551.]

Notes:

Construction--Severability--1969 ex.s. c 193: See notes following RCW 39.58.010.

Liability of treasurers for losses of deposits: RCW 39.58.140.

RCW 43.85.130 Deposit of commissioner of public lands and department of natural resources funds--Natural resources deposit fund--Repayments.

Applicable Cases

(1) The department shall deposit daily all moneys and fees collected or received by the commissioner of public lands and the department of natural resources in the discharge of official duties as follows:

(a) The department shall pay moneys received as advance payments, deposits, and security from successful bidders under RCW 79.01.132 and 79.01.204 to the state treasurer for deposit under subsection (1)(b) of this section. Moneys received from unsuccessful bidders shall be returned as provided in RCW 79.01.204;

(b) The department shall pay all moneys received on behalf of a trust fund or account to the state treasurer for deposit in the trust fund or account after making the deduction authorized under RCW 76.12.030, 76.12.120, and 79.64.040;

(c) The natural resources deposit fund is hereby created. The state treasurer is the custodian of the fund. All moneys or sums which remain in the custody of the commissioner of public lands awaiting disposition or where the final disposition is not known shall be deposited into the natural resources deposit fund. Disbursement from the fund shall be on the authorization of the commissioner or the commissioner's designee, without necessity of appropriation;

(d) If it is required by law that the department repay moneys disbursed under subsections (1)(a) and (1)(b) of this section the state treasurer shall transfer such moneys, without necessity of appropriation, to the department upon demand by the department from those trusts and accounts originally receiving the moneys.

(2) Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer.

[1981 2nd ex.s. c 4 § 1; 1965 c 8 § 43.85.130. Prior: (i) 1911 c 51 § 1; RRS § 5555. (ii) 1909 c 133 § 1, part; 1907 c 96 § 1, part; RRS § 5501, part.]

Notes:

Moneys received and invested prior to December 1, 1981: "Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204, which have been invested prior to December 1, 1981, in time deposits, shall be subject to RCW 43.85.130 as each time deposit matures." [1981 2nd ex.s. c 4 § 2.]

Severability--1981 2nd ex.s. c 4: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 2nd ex.s. c 4 § 16.]

RCW 43.85.190 Investment deposits and rate of interest.

Applicable Cases

It is the purpose of RCW 43.85.190 through 43.85.230 to authorize the state treasurer to make investment deposits of state moneys or funds in his custody in qualified public depositories at a rate of interest permitted by any applicable statute or regulation.

[1983 c 66 § 17; 1983 c 3 § 113; 1969 ex.s. c 193 § 21; 1965 c 8 § 43.85.190. Prior: 1955 c 198 § 1.]

Notes:

Severability--1983 c 66: See note following RCW 39.58.010.

Construction--Severability--1969 ex.s. c 193: See notes following RCW 39.58.010.

RCW 43.85.200 Investment deposits and rate of interest--State moneys defined.

Applicable Cases

All moneys or funds belonging to or in the custody of the state under the control of the state treasurer shall be considered as state moneys or funds.

[1965 c 8 § 43.85.200. Prior: 1955 c 198 § 2.]

RCW 43.85.210 Investment deposits and rate of interest--Demand and time accounts authorized.

Applicable Cases

The state treasurer may deposit state moneys or funds at interest in any qualified public depository upon a demand or time account basis.

[1983 c 66 § 18; 1965 c 8 § 43.85.210. Prior: 1955 c 198 § 3.]

Notes:

Severability--1983 c 66: See note following RCW 39.58.010.

RCW 43.85.220 Investment deposits and rate of interest--Members of federal reserve or federal deposit insurance corporation.

Applicable Cases

If state depositories are member banks of the federal reserve system, or are banks the deposits of which, within certain limits, are insured by the federal deposit insurance corporation and, as such, are prohibited by a statute of the United States or by a lawful regulation of the federal reserve system or of the federal deposit insurance corporation, or of any authorized agency of the federal government, from paying interest upon demand deposits of public funds of a state, the payment of interest shall not be required of such depositories to the extent and for the period of time that payment thereof is prohibited.

[1965 c 8 § 43.85.220. Prior: 1955 c 198 § 4.]

RCW 43.85.230 Investment deposits and rate of interest--Term deposit basis.

Applicable Cases

The state treasurer may deposit moneys not required to meet current demands upon a term deposit basis not to exceed five years at such interest rates and upon such conditions as to

withdrawals of such moneys as may be agreed upon between the state treasurer and any qualified public depository.

[1993 c 512 § 32; 1984 c 177 § 20; 1983 c 66 § 19; 1965 c 8 § 43.85.230. Prior: 1955 c 198 § 5.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Severability--1983 c 66: See note following RCW 39.58.010.

**Chapter 43.86A RCW
SURPLUS FUNDS--INVESTMENT PROGRAM**

RCW

43.86A.010	Finding--Objectives.
43.86A.020	Surplus funds held as demand deposits to be limited.
43.86A.030	Time certificate of deposit investment program--Funds available for--Allocation.
43.86A.040	Other investment powers of state treasurer not limited.
43.86A.050	Implementation of chapter by state treasurer.
43.86A.060	Linked deposit program--Minority and women's business enterprises.
43.86A.070	Linked deposit program--Liability.

Notes:

Public funds, deposit and investment, public depositories: Chapter 39.58 RCW.

RCW 43.86A.010 Finding--Objectives.

Applicable Cases

The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositories. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to financial institutions for services rendered to the state through the investment of state funds in time deposits.

[1983 c 66 § 20; 1973 c 123 § 1.]

Notes:

Severability--1983 c 66: See note following RCW 39.58.010.

RCW 43.86A.020 Surplus funds held as demand deposits to be limited.

Applicable Cases

After March 19, 1973, the state treasurer shall limit surplus funds held as demand deposits to an amount necessary for current operating expenses including direct warrant redemption payments, investments and revenue collection. The state treasurer may hold such additional funds as demand deposits as he deems necessary to insure efficient treasury management.

[1973 c 123 § 2.]

RCW 43.86A.030 Time certificate of deposit investment program--Funds available for--Allocation.

Applicable Cases

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to fifty million dollars per year of all funds available under this section for the purposes of RCW 43.86A.060. The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

[1993 c 512 § 33; 1982 c 74 § 1; 1973 c 123 § 3.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.86A.040 Other investment powers of state treasurer not limited.

Applicable Cases

Except as provided in RCW 43.86A.020 and 43.86A.030, nothing in this chapter shall be construed as a limitation upon the powers of the state treasurer to determine the amount of surplus treasury funds which may be invested in time certificates of deposit.

[1973 c 123 § 4.]

RCW 43.86A.050 Implementation of chapter by state treasurer.

Applicable Cases

The state treasurer shall devise the necessary formulae and methodology to implement the provisions of this chapter. Periodically, but at least once every six months, the state treasurer shall review all rules and shall adopt, amend or repeal them as may be necessary. These rules and

a list of time certificate of deposit allocations shall be published in the treasurer's monthly financial report as required under the provisions of RCW 43.08.150.

[1973 c 123 § 5.]

RCW 43.86A.060 Linked deposit program--Minority and women's business enterprises.

Applicable Cases

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those that:

(a) Are loans that have terms that do not exceed ten years;

(b) Are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(c) Are made to minority or women's business enterprises that are considered a small business as defined in *RCW 43.31.025;

(d) Are made where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term; and

(e) Are made where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository.

[1993 c 512 § 30.]

Notes:

Reviser's note--Sunset Act application: (1) The linked deposit program is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.381. RCW 46.86A.060, 43.63A.690, and 43.86A.070 are scheduled for future repeal under RCW 43.131.382.

*(2) RCW 43.31.025 was repealed by 1993 c 280 § 82, effective July 1, 1994.

Finding--Intent--1993 c 512: "The legislature finds that minority and women's business enterprises have been historically excluded from access to capital in the marketplace. The lack of capital has been a major barrier to the development and expansion of business by various minority groups and women. There has been a significant amount of attention on the capital needs of minority and women's business enterprises. It is the intent of the legislature to remedy the problem of a lack of access to capital by minority and women's business enterprises, and other small businesses by authorizing the state treasurer to operate a program that links state deposits to business loans by financial institutions to minority and women's business enterprises." [1993 c 512 § 29.]

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.86A.070 Linked deposit program--Liability.

Applicable Cases

The state and those acting as its agents are not liable in any manner for payment of the principal or interest on qualifying loans made under RCW 43.86A.060. Any delay in payments or defaults on the part of the borrower does not in any manner affect the deposit agreement between the qualified public depository and the state treasurer.

[1993 c 512 § 34.]

Notes:

Sunset Act application: See note following RCW 43.86A.060.

Finding--Intent--1993 c 512: See note following RCW 43.86A.060.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Chapter 43.88 RCW STATE BUDGETING, ACCOUNTING, AND REPORTING SYSTEM

(Formerly Budget and accounting)

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- 43.88.902 Severability--1975 1st ex.s. c 293.
- 43.88.903 Severability--1977 c 23.
- 43.88.910 Effective date--1975 1st ex.s. c 293.

Notes:

Agreements and transactions between state agencies, charges, credits, transfers, and advances: RCW 39.34.130 through 39.34.170.

Debts owed state: RCW 43.17.240.

Director of financial management: Chapter 43.41 RCW.

Displaced homemaker act, contributions for as subject to chapter: RCW 28B.04.110.

Funds subject to council for the prevention of child abuse and neglect: RCW 43.121.100.

Investments and interfund loans: Chapter 43.84 RCW.

Post-audit: RCW 43.09.290 through 43.09.330.

Reporting periods: RCW 43.01.035.

State board for community and technical colleges: RCW 28B.50.070.

State finance committee: Chapter 43.33 RCW.

State payroll revolving account, agency payroll revolving fund: RCW 42.16.010 through 42.16.017.

RCW 43.88.010 Purpose--Intent.

Applicable Cases

It is the purpose of this chapter to establish an effective state budgeting, accounting, and reporting system for all activities of the state government, including both capital and operating expenditures; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government.

[1986 c 215 § 1; 1981 c 270 § 1; 1973 1st ex.s. c 100 § 1; 1965 c 8 § 43.88.010. Prior: 1959 c 328 § 1.]

Notes:

Effective date--1981 c 270: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 270 § 18.]

Severability--1981 c 270: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 270 § 17.]

RCW 43.88.020 Definitions.

Applicable Cases

(1) "Budget" means a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) "Budget document" means a formal statement, either written or provided on any electronic media or both, offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) "Director of financial management" means the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management

shall be head of the office of financial management which shall be in the office of the governor.

(4) "Agency" means and includes every state office, officer, each institution, whether educational, correctional, or other, and every department, division, board, and commission, except as otherwise provided in this chapter.

(5) "Public funds", for purposes of this chapter, means all moneys, including cash, checks, bills, notes, drafts, stocks, and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) "Regulations" means the policies, standards, and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or the governor's designated agent, and which shall have the force and effect of law.

(7) "Ensuing biennium" means the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated, or set aside for a limited object or purpose; but "dedicated fund" does not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(13) "Lapse" means the termination of authority to expend an appropriation.

(14) "Legislative fiscal committees" means the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) "Fiscal period" means the period for which an appropriation is made as specified within the act making the appropriation.

(16) "Primary budget driver" means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) "State tax revenue limit" means the limitation created by chapter 43.135 RCW.

(18) "General state revenues" means the revenues defined by Article VIII, section 1(c) of

the state Constitution.

(19) "Annual growth rate in real personal income" means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(20) "Estimated revenues" means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast including estimates of revenues to support financial plans under RCW 44.40.070, that are prepared by the office of financial management in consultation with the interagency task force.

(21) "Estimated receipts" means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.33.020, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) "State budgeting, accounting, and reporting system" means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

(23) "Allotment of appropriation" means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

(24) "Statement of proposed expenditures" means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(25) "Undesignated fund balance (or deficit)" means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

(26) "Internal audit" means an independent appraisal activity within an agency for the review of operations as a service to management, including a systematic examination of accounting and fiscal controls to assure that human and material resources are guarded against waste, loss, or misuse; and that reliable data are gathered, maintained, and fairly disclosed in a written report of the audit findings.

(27) "Performance verification" means an analysis that (a) verifies the accuracy of data used by state agencies in quantifying intended results and measuring performance toward those results, and (b) verifies whether or not the reported results were achieved.

(28) "Performance audit" has the same meaning as it is defined in RCW 44.28.005.

[1996 c 288 § 23; 1995 c 155 § 1; 1994 c 184 § 9; 1993 c 406 § 2; 1991 c 358 § 6; 1990 c 229 § 4; 1987 c 502 § 1; 1986 c 215 § 2; 1984 c 138 § 6; 1982 1st ex.s. c 36 § 1. Prior: 1981 c 280 § 6; 1981 c 270 § 2; 1980 c 87 § 25; 1979 c 151 § 135; 1975-'76 2nd ex.s. c 83 § 4; 1973 1st ex.s. c 100 § 2; 1969 ex.s. c 239 § 9; 1965 c 8 § 43.88.020; prior: 1959 c 328 § 2.]

Notes:

Short title--1993 c 406: "This act may be known and cited as the performance-based government act of 1993." [1993 c 406 § 7.]

Effective date--1991 c 358: See note following RCW 43.88.030.

Effective date--1990 c 229: See note following RCW 41.06.087.

Effective date--1981 c 280: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 280 § 10.]

Severability--1981 c 280: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 280 § 9.]

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Office of financial management: Chapter 43.41 RCW.

RCW 43.88.025 "Director" defined.

Applicable Cases

Unless the context clearly requires a different interpretation, whenever "director" is used in this chapter, it shall mean the director of financial management created in RCW 43.41.060.

[1979 c 151 § 136; 1969 ex.s. c 239 § 10.]

RCW 43.88.027 Annual financial report.

Applicable Cases

The governor, through the director, shall prepare and publish within six months of the end of the fiscal year, as a matter of public record, an annual financial report that encompasses all funds and account groups of the state.

[1984 c 247 § 2.]

RCW 43.88.030 Instructions for submitting budget requests--Content of the budget document or documents--Separate budget document or schedules--Format changes.

Applicable Cases

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the

governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the interagency revenue task force. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end

of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

- (a) Interest, amortization and redemption charges on the state debt;
- (b) Payments of all reliefs, judgments and claims;
- (c) Other statutory expenditures;
- (d) Expenditures incident to the operation for each agency;
- (e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the

deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

[1998 c 346 § 910. Prior: 1997 c 168 § 5; 1997 c 96 § 4; prior: 1994 c 247 § 7; 1994 c 219 § 2; prior: 1991 c 358 § 1; 1991 c 284 § 1; 1990 c 115 § 1; prior: 1989 c 311 § 3; 1989 c 11 § 18; 1987 c 502 § 2; prior: 1986 c 215 § 3; 1986 c 112 § 1; 1984 c 138 § 7; 1981 c 270 § 3; 1980 c 87 § 26; 1977 ex.s. c 247 § 1; 1973 1st ex.s. c 100 § 3; 1965 c 8 § 43.88.030; prior: 1959 c 328 § 3.]

Notes:

Construction--Severability--Effective date--1998 c 346: See notes following RCW 50.24.014.

Effective date--1997 c 168: See RCW 43.88C.900.

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

Effective date--1994 c 247: See note following RCW 41.32.4991.

Finding--1994 c 219: "The legislature finds that the acquisition, construction, and management of state-owned and leased facilities has a profound and long-range effect upon the delivery and cost of state programs, and that there is an increasing need for better facility planning and management to improve the effectiveness and efficiency of state facilities." [1994 c 219 § 1.]

Effective date--1991 c 358: "This act shall take effect April 1, 1992." [1991 c 358 § 8.]

Severability--1989 c 11: See note following RCW 9A.56.220.

RCW 43.88.031 Capital appropriation bill--Estimated general fund debt service costs.

Applicable Cases

A capital appropriation bill shall include the estimated general fund debt service costs associated with new capital appropriations contained in that bill for the biennia in which the appropriations occur and for the succeeding two biennia.

[1991 c 284 § 2.]

RCW 43.88.032 Maintenance costs, operating budget--Debt-financed pass-through money, budget document.

Applicable Cases

(1) Normal maintenance costs shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

[1997 c 96 § 5; 1994 c 219 § 4; 1989 c 311 § 1.]

Notes:

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.88.033 State expenditure limit--Budget document to reflect.

Applicable Cases

The budget document submitted by the governor to the legislature under RCW 43.88.030 shall reflect the state expenditure limit established under chapter 43.135 RCW and shall not propose expenditures in excess of that limit.

[1994 c 2 § 7 (Initiative Measure No. 601, approved November 2, 1993).]

Notes:

Severability--Effective dates--1994 c 2 (Initiative Measure No. 601): See RCW 43.135.903 and 43.135.904.

RCW 43.88.035 Changes in accounting methods, practices or statutes--Explanation in budget document or appendix required--Contents.

Applicable Cases

Any changes in accounting methods and practices or in statutes affecting expenditures or revenues for the ensuing biennium relative to the then current fiscal period which the governor may wish to recommend shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document. This explanatory material shall include, but need not be limited to, estimates of revenues and expenditures based on the same accounting practices and methods and existing statutes relating to revenues and expenditure effective for the then current fiscal period, together with alternative estimates required by any changes in accounting methods and practices and by any statutory changes the governor may wish to recommend.

[1973 1st ex.s. c 100 § 9.]

RCW 43.88.037 Comprehensive budgeting, accounting, and reporting system conforming to generally accepted accounting principles--Budget document to conform.

Applicable Cases

(1) The director of financial management shall devise and maintain a comprehensive budgeting, accounting, and reporting system in conformance with generally accepted accounting principles applicable to state governments, as published in the accounting procedures manual pursuant to RCW 43.88.160(1).

(2) The director of financial management shall submit a budget document in conformance with generally accepted accounting principles applicable to state governments, as published in the accounting procedures manual pursuant to RCW 43.88.160(1).

[1987 c 502 § 3; 1984 c 247 § 1.]

RCW 43.88.050 Cash deficit.

Applicable Cases

Cash deficit of the current fiscal period is defined for purposes of this chapter as the

amount by which the aggregate of disbursements charged to a fund will exceed the aggregate of estimated receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available beginning cash surplus.

If, for any applicable fund or account, the estimated receipts for the next ensuing period plus cash beginning balances is less than the aggregate of estimated disbursements proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document proposals as to the manner in which the anticipated cash deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may propose orderly liquidation of the anticipated cash deficit over a period of one or more fiscal periods, if, in the governor's discretion, such manner of liquidation would best serve the public interest.

[1987 c 502 § 4; 1965 c 8 § 43.88.050. Prior: 1959 c 328 § 5.]

Notes:

Exception: RCW 43.88.265.

RCW 43.88.060 Legislative review of budget document and budget bill or bills--Time for submission.

Applicable Cases

The governor shall submit the budget document for the 1975-77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered: PROVIDED, That where a budget document is submitted for a fiscal period other than a biennium, such document shall be submitted no less than twenty days prior to the first day of the session at which such budget document is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required.

[1977 ex.s. c 247 § 2; 1973 1st ex.s. c 100 § 4; 1965 c 8 § 43.88.060. Prior: 1959 c 328 § 6.]

RCW 43.88.067 Fee and expense report--Impact of amounts awarded to prevailing party in agency action.

Applicable Cases

The office of financial management shall create a report annually on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to RCW 4.84.340 through 4.84.360. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and other relevant information that may aid the legislature in evaluating the scope and impact of the awards.

[1999 c 372 § 10; 1995 c 403 § 905.]

Notes:

Findings--1995 c 403: See note following RCW 4.84.340.

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.88.070 Appropriations.

Applicable Cases

Appropriations shall be deemed maximum authorizations to incur expenditures but the governor shall exercise all due supervision and control to ensure that expenditure rates are such that program objectives are realized within these maximums.

[1965 c 8 § 43.88.070. Prior: 1959 c 328 § 7.]

RCW 43.88.080 Adoption of budget.

Applicable Cases

Adoption of the omnibus appropriation bill or bills by the legislature shall constitute adoption of the budget and the making of appropriations therefor. A budget for state government shall be finally adopted not later than thirty calendar days prior to the beginning of the ensuing biennium.

[1973 1st ex.s. c 100 § 5; 1965 c 8 § 43.88.080. Prior: 1959 c 328 § 8.]

RCW 43.88.090 Development of budget--Detailed estimates--Mission statement, measurable goals, program objectives--Integration of strategic plans and performance assessment procedures--Governor-elect input.

Applicable Cases

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget without revision. The estimates for state pension contributions shall be based on the rates provided in chapter 41.45 RCW. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110. The estimates must reflect that the agency considered any alternatives to reduce costs or improve service delivery identified in the findings of a performance audit of the agency by the joint legislative audit and review committee. Nothing in this subsection requires performance audit findings to be published as part of the budget.

(2) Each state agency shall define its mission and establish measurable goals for

achieving desirable results for those who receive its services and the taxpayers who pay for those services. Each agency shall also develop clear strategies and timelines to achieve its goals. This section does not require an agency to develop a new mission or goals in place of identifiable missions or goals that meet the intent of this section. The mission and goals of each agency must conform to statutory direction and limitations.

(3) For the purpose of assessing program performance, each state agency shall establish program objectives for each major program in its budget. The objectives must be consistent with the missions and goals developed under this section. The objectives must be expressed to the extent practicable in outcome-based, objective, and measurable form unless an exception to adopt a different standard is granted by the office of financial management and approved by the legislative committee on performance review. The office of financial management shall provide necessary professional and technical assistance to assist state agencies in the development of strategic plans that include the mission of the agency and its programs, measurable goals, strategies, and performance measurement systems.

(4) Each state agency shall adopt procedures for continuous self-assessment of each program and activity, using the mission, goals, objectives, and measurements required under subsections (2) and (3) of this section.

(5) It is the policy of the legislature that each agency's budget proposals must be directly linked to the agency's stated mission and program goals and objectives. Consistent with this policy, agency budget proposals must include integration of performance measures that allow objective determination of a program's success in achieving its goals. The office of financial management shall develop a plan to merge the budget development process with agency performance assessment procedures. The plan must include a schedule to integrate agency strategic plans and performance measures into agency budget requests and the governor's budget proposal over three fiscal biennia. The plan must identify those agencies that will implement the revised budget process in the 1997-1999 biennium, the 1999-2001 biennium, and the 2001-2003 biennium. In consultation with the legislative fiscal committees, the office of financial management shall recommend statutory and procedural modifications to the state's budget, accounting, and reporting systems to facilitate the performance assessment procedures and the merger of those procedures with the state budget process. The plan and recommended statutory and procedural modifications must be submitted to the legislative fiscal committees by September 30, 1996.

(6) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required

information shall also be submitted to the standing committees on ways and means of the house and senate.

[1997 c 372 § 1; 1996 c 317 § 10; 1994 c 184 § 10; 1993 c 406 § 3; 1989 c 273 § 26; 1987 c 505 § 35; 1984 c 247 § 3; 1981 c 270 § 4; 1979 c 151 § 137; 1975 1st ex.s. c 293 § 5; 1973 1st ex.s. c 100 § 6; 1965 c 8 § 43.88.090. Prior: 1959 c 328 § 9.]

Notes:

Short title--1993 c 406: See note following RCW 43.88.020.

Severability--1989 c 273: See RCW 41.45.900.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.093 Development of budget--Tourism development division, department of community, trade, and economic development. (Expires June 30, 2008.)

Applicable Cases

(1) *When developing a biennial budget for the tourism development division of the department of community, trade, and economic development, the request for funding submitted to the office of financial management shall be calculated according to the formula in RCW 43.88.094. The request shall be a specific designated amount in the budget request for the department of community, trade, and economic development.*

(2) *This section expires June 30, 2008.*

[1998 c 299 § 3.]

Notes:

Intent--1998 c 299: *"It is the intent of this act to provide for predictable and stable funding for tourism development activities of the state of Washington by establishing funding levels based on proven performance and return on state funds invested in tourism development and to establish a tourism development advisory committee."* [1998 c 299 § 1.]

Effective date--1998 c 299: *"This act takes effect July 1, 1998."* [1998 c 299 § 6.]

RCW 43.88.094 Development of budget--Calculation--Tourism development division, department of community, trade, and economic development. (Expires June 30, 2008.)

Applicable Cases

(1) *The budget amount designated in RCW 43.88.093(1) is the sum of the base amount and the growth component as calculated under subsection (2) of this section.*

(2) *The director of the department of community, trade, and economic development shall calculate the tourism development division budget in consultation with the appropriate agencies in the following manner:*

(a) *The base amount, beginning in the budget for the biennium ending June 30, 2001, and for each subsequent biennium thereafter, equals the previous biennial budget, including any supplemental allocations and any growth component amounts from previous biennia.*

(b) *For the growth component, beginning in the budget for the biennium ending June 30, 2001:* (i) *Compute the state retail sales tax revenues for the target business categories for the calendar year two years prior to the beginning of the biennium for which the budget request will be made;* (ii) *compute the state retail sales tax revenues for the target business categories for the*

calendar year four years prior to the beginning of the biennium for which the budget request will be made; (iii) calculate the percentage change in these two sales tax revenue amounts; (iv) if the percentage exceeds eight percent growth, calculate the amount of sales tax revenue that represents the excess in revenue growth greater than six percent; and (v) calculate the growth component by dividing the excess revenue growth by two. The amount of the growth component for any biennium shall not exceed two million dollars per fiscal year for the biennium.

(3) As used in this section:

(a) "Target business categories" means businesses in standard industrial classification codes 58 (eating and drinking), 70 (lodging), 7514 (auto rental), and 79 (recreation). If at any time the United States office of management and budget or a successor agency should change or replace the present standard industrial classification code system, the department of community, trade, and economic development shall use the code system issued by the office of management and budget or its successor agency to determine codes corresponding to those listed in this definition.

(b) "Retail sales" means the gross sales subject to the tax imposed in chapter 82.08 RCW received by businesses identified in department of revenue records by standard industrial classification codes 58, 70, 7514, and 79.

(4) This section expires June 30, 2008.

[1998 c 299 § 4.]

Notes:

Intent--Effective date--1998 c 299: See notes following RCW 43.88.093.

RCW 43.88.100 Executive hearings.

Applicable Cases

The governor may provide for hearings on all agency requests for expenditures to enable him to make determinations as to the need, value or usefulness of activities or programs requested by agencies. The governor may require the attendance of proper agency officials at his hearings and it shall be their duty to disclose such information as may be required to enable the governor to arrive at his final determination.

[1965 c 8 § 43.88.100. Prior: 1959 c 328 § 10.]

RCW 43.88.110 Expenditure programs--Maintenance summary reports--Allotments--Reserves--Monitor capital appropriations--Predesign review for major capital construction.

Applicable Cases

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least

thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

- (a) Appropriations made for capital projects including transportation projects;
- (b) Estimates of total project costs including past, current, ensuing, and future biennial costs;
- (c) Comparisons of actual costs to estimated costs;
- (d) Comparisons of estimated construction start and completion dates with actual dates;
- (e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) The office of financial management shall publish agency annual maintenance summary reports beginning in October 1997. State agencies shall submit a separate report for each major campus or site, as defined by the office of financial management. Reports shall be prepared in a format prescribed by the office of financial management and shall include, but not be limited to: Information describing the number, size, and condition of state-owned facilities; facility maintenance, repair, and operating expenses paid from the state operating and capital budgets, including maintenance staffing levels; the condition of major infrastructure systems; and maintenance management initiatives undertaken by the agency over the prior year. Agencies shall submit their annual maintenance summary reports to the office of financial management by September 1 each year.

(6) The office of financial management, prior to approving allotments for major capital construction projects valued over five million dollars, shall institute procedures for reviewing such projects at the predesign stage that will reduce long-term costs and increase facility efficiency. The procedures shall include, but not be limited to, the following elements:

- (a) Evaluation of facility program requirements and consistency with long-range plans;
- (b) Utilization of a system of cost, quality, and performance standards to compare major capital construction projects; and
- (c) A requirement to incorporate value-engineering analysis and constructability review into the project schedule.

(7) No expenditure may be incurred or obligation entered into for such major capital construction projects including, without exception, land acquisition, site development, predesign, design, construction, and equipment acquisition and installation, until the allotment of the funds to be expended has been approved by the office of financial management. This limitation does not prohibit the continuation of expenditures and obligations into the succeeding biennium for projects for which allotments have been approved in the immediate prior biennium.

(8) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed operating expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(9) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

(10) The director of financial management shall monitor agency operating expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(11) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

[1997 c 96 § 6; 1994 c 219 § 5. Prior: 1991 sp.s. c 32 § 27; 1991 c 358 § 2; 1987 c 502 § 5; 1986 c 215 § 4; 1984 c 138 § 8; 1983 1st ex.s. c 47 § 1; 1982 2nd ex.s. c 15 § 1; 1981 c 270 § 5; 1979 c 151 § 138; 1975 1st ex.s. c 293 § 6;

1965 c 8 § 43.88.110; prior: 1959 c 328 § 11.]

Notes:

Findings--Purpose--1997 c 96: See note following RCW 43.82.150.

Finding--1994 c 219: See note following RCW 43.88.030.

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Effective date--1991 c 358: See note following RCW 43.88.030.

Severability--1982 2nd ex.s. c 15: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 2nd ex.s. c 15 § 5.]

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Exception: RCW 43.88.265.

RCW 43.88.114 Appropriations to municipal research council from motor vehicle excise taxes not subject to allotment.

Applicable Cases

Appropriations of funds to the municipal research council from motor vehicle excise taxes shall not be subject to allotment by the office of financial management.

[1997 c 437 § 5; 1983 c 22 § 2.]

Notes:

Effective date--1997 c 437: See note following RCW 43.110.010.

Effective date--1983 c 22: See note following RCW 43.110.010.

RCW 43.88.120 Revenue estimates.

Applicable Cases

Each agency engaged in the collection of revenues shall prepare estimated revenues and estimated receipts for the current and ensuing biennium and shall submit the estimates to the director of financial management and the director of revenue at times and in the form specified by the directors, along with any other information which the directors may request. For those agencies required to develop six-year programs and financial plans under RCW 44.40.070, six-year revenue estimates shall be submitted to the director of financial management and the legislative transportation committee unless the responsibility for reporting these revenue estimates is assumed elsewhere.

A copy of such revenue estimates shall be simultaneously submitted to the economic and revenue forecast work group when required by the office of the economic and revenue forecast council.

[1991 c 358 § 3; 1987 c 502 § 6; 1984 c 138 § 10; 1981 c 270 § 8; 1973 1st ex.s. c 100 § 7; 1965 c 8 § 43.88.120. Prior: 1959 c 328 § 12.]

Notes:

Effective date--1991 c 358: See note following RCW 43.88.030.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.122 Transportation agency revenue forecasts--Variances.

Applicable Cases

Where there are variances of revenue forecasts between the office of financial management and the interagency revenue task force, for those transportation agencies that are required to develop plans under RCW 44.40.070, the office of financial management shall submit (1) a reconciliation of the differences between the revenue forecasts and (2) the assumptions used by the office of financial management to the legislative transportation committee.

[1991 c 358 § 7.]

Notes:

Effective date--1991 c 358: See note following RCW 43.88.030.

RCW 43.88.130 When contracts and expenditures prohibited.

Applicable Cases

No agency shall expend or contract to expend any money or incur any liability in excess of the amounts appropriated for that purpose: PROVIDED, That nothing in this section shall prevent the making of contracts or the spending of money for capital improvements, nor the making of contracts of lease or for service for a period exceeding the fiscal period in which such contract is made, when such contract is permitted by law. Any contract made in violation of this section shall be null and void.

[1965 c 8 § 43.88.130. Prior: 1959 c 328 § 13.]

RCW 43.88.140 Lapsing of appropriations.

Applicable Cases

All appropriations shall lapse at the end of the fiscal period for which the appropriations are made to the extent that they have not been expended or lawfully obligated.

[1981 c 270 § 9; 1965 c 8 § 43.88.140. Prior: 1959 c 328 § 14.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.145 Capital projects--Transfer of excess appropriation authority.

Applicable Cases

(1) The capital appropriations act may authorize the governor, through the director of financial management, to transfer the appropriation authority for a capital project that is in excess of the amount required for the completion of the project to another capital project for which the appropriation is insufficient.

(a) No such transfer may be used to expand the capacity or change the intended use of the project beyond that intended by the legislature in making the appropriation.

(b) The transfer may be effected only between capital projects within a specific department, commission, agency, or institution of higher education.

(c) The transfer may be effected only if the project from which the transfer of funds is made is substantially complete and there are funds remaining, or bids have been let on the project

from which the transfer of funds is made and it appears to a substantial certainty that the project can be completed within the biennium for less than the amount appropriated.

(2) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless the legislative history demonstrates that the legislature intended to define the scope of a project in a different way.

(3) The office of financial management shall notify the legislative fiscal committees of the senate and the house of representatives at least thirty days before any transfer is effected under this section except emergency projects or any transfer under two hundred fifty thousand dollars, and shall prepare a report to such committees listing all completed transfers at the close of each fiscal year.

[1994 c 219 § 6.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.88.150 Priority of expenditures--Appropriated and nonappropriated funds--Matching funds, disburse state moneys proportionally.

Applicable Cases

(1) For those agencies that make expenditures from both appropriated and nonappropriated funds for the same purpose, the governor shall direct such agencies to charge their expenditures in such ratio, as between appropriated and nonappropriated funds, as will conserve appropriated funds. This subsection does not apply to institutions of higher education, as defined in RCW 28B.10.016.

(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed in proportion to and only to the extent that the matching funds or other contributions have been received and are available for expenditure.

(3) The office of financial management shall adopt guidelines for the implementation of this section. The guidelines may account for federal matching requirements or other requirements to spend other moneys in a particular manner.

[1995 c 6 § 1; 1991 c 284 § 3; 1981 c 270 § 10; 1965 c 8 § 43.88.150. Prior: 1959 c 328 § 15.]

Notes:

Effective date--1995 c 6: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 12, 1995]." [1995 c 6 § 2.]

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.155 Office of financial management.

Applicable Cases

See chapter 43.41 RCW.

RCW 43.88.160 Fiscal management--Powers and duties of officers and agencies.

Applicable Cases

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the

accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant

to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint

legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an

improved level of fiscal management.

[1998 c 135 § 1; 1997 c 168 § 6; 1996 c 288 § 25; 1994 c 184 § 11. Prior: 1993 c 500 § 7; 1993 c 406 § 4; 1993 c 194 § 6; 1992 c 118 § 8; 1992 c 118 § 7; 1991 c 358 § 4; prior: 1987 c 505 § 36; 1987 c 436 § 1; 1986 c 215 § 5; 1982 c 10 § 11; prior: 1981 c 280 § 7; 1981 c 270 § 11; 1979 c 151 § 139; 1975 1st ex.s. c 293 § 8; 1975 c 40 § 11; 1973 c 104 § 1; 1971 ex.s. c 170 § 4; 1967 ex.s. c 8 § 49; 1965 c 8 § 43.88.160; prior: 1959 c 328 § 16.]

Notes:

Effective date--1997 c 168: See RCW 43.88C.900.

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Short title--1993 c 406: See note following RCW 43.88.020.

Expiration date--1992 c 118 § 7: "Section 7 of this act shall expire April 1, 1992." [1992 c 118 § 9.]

Effective date--1992 c 118 § 8: "Section 8 of this act shall take effect April 1, 1992." [1992 c 118 § 10.]

Effective date--1991 c 358: See note following RCW 43.88.030.

Severability--1982 c 10: See note following RCW 6.13.080.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Severability--1971 ex.s. c 170: See note following RCW 43.09.050.

Director of financial management: Chapter 43.41 RCW.

Joint legislative audit and review committee: Chapter 44.28 RCW.

Post-audit: RCW 43.09.290 through 43.09.330.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

State auditor, duties: Chapter 43.09 RCW.

State treasurer, duties: Chapter 43.08 RCW.

RCW 43.88.170 Refunds of erroneous or excessive payments.

Applicable Cases

Whenever any law which provides for the collection of fees or other payment by an agency does not authorize the refund of erroneous or excessive payments thereof, refunds may be made or authorized by the agency which collected the fees or payments of all such amounts received by the agency in consequence of error, either of fact or of law. The regulations issued by the governor pursuant to this chapter shall prescribe the procedure to be employed in making refunds.

[1965 c 8 § 43.88.170. Prior: 1959 c 328 § 17.]

Notes:

Refunds: RCW 43.01.072 through 43.01.075.

RCW 43.88.175 Credit reporting agencies--State agency use.

Applicable Cases

State agencies may report receivables to credit reporting agencies whenever the agency determines that such reporting would be cost-effective and does not violate confidentiality or other legal requirements. Within thirty-five days after satisfaction of a debt reported to a credit reporting agency, the state agency reporting the debt shall notify the credit reporting agency that the debt has been satisfied.

[1991 c 85 § 1; 1989 c 100 § 1.]

RCW 43.88.180 When appropriations required or not required.

Applicable Cases

Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall include, but shall not be limited to, the accident fund, medical aid fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

[1973 1st ex.s. c 100 § 8; 1965 c 8 § 43.88.180. Prior: 1959 c 328 § 18.]

RCW 43.88.190 Revolving funds.

Applicable Cases

Revolving funds shall not be created by law except to finance the operations of service units, or units set up to supply goods and services to other units or agencies. Such service units where created shall be self-supporting operations featuring continuous turnover of working capital. The regulations issued by the governor pursuant to this chapter shall prescribe the procedures to be employed by agencies in accounting and reporting for revolving funds and may provide for the keeping of such funds in the custody of the treasurer.

[1965 c 8 § 43.88.190. Prior: 1959 c 328 § 19.]

RCW 43.88.195 Establishment of accounts or funds outside treasury without permission of director of financial management prohibited.

Applicable Cases

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, regional universities, The Evergreen State College, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the office of financial management shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the director of financial management authorizes the creation of such fund or account, the director shall forthwith give written notice of the fact to the standing committees on ways and means of the house and senate: PROVIDED FURTHER, That agencies authorized to create local accounts will utilize the services of the state treasurer's office to ensure that new or ongoing relationships with financial institutions are in concert with state-wide policies and procedures pursuant to RCW 43.88.160(1).

[1996 c 186 § 509; 1993 c 500 § 8; 1991 c 201 § 19; 1979 c 151 § 140; 1977 ex.s. c 169 § 109; 1975 1st ex.s. c 293

§ 9; 1969 ex.s. c 248 § 1.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Finding--Severability--Effective date--1993 c 500: See notes following RCW 43.41.180.

Captions not law--Severability--1991 c 201: See RCW 39.35C.900 and 39.35C.901.

RCW 43.88.200 Public records.

Applicable Cases

All agency records reflecting financial transactions, such records being defined for purposes of this chapter to mean books of account, financial statements, and supporting records including expense vouchers and other evidences of obligation, shall be deemed to be public records and shall be available for public inspection in the agency concerned during official working hours.

[1965 c 8 § 43.88.200. Prior: 1959 c 328 § 20.]

RCW 43.88.205 Federal funds and programs--Participating agencies to give notice--Progress reports.

Applicable Cases

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of financial management may prescribe, or the chair of the joint legislative audit and review committee, standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

[1996 c 288 § 39; 1979 c 151 § 141; 1975 1st ex.s. c 293 § 10; 1973 2nd ex.s. c 17 § 3; 1967 ex.s. c 41 § 4.]

Notes:

Acceptance of funds by governor, administration: RCW 43.06.120, 43.06.130.

RCW 43.88.210 Transfer of certain powers and duties.

Applicable Cases

It is the intent of this chapter to assign to the governor's office authority for developing and maintaining a state budgeting, accounting, and reporting system necessary for effective

expenditure and revenue control among agencies.

To this end:

(1) All powers and duties and functions of the state auditor relating to the disbursement of public funds by warrant or check are hereby transferred to the state treasurer as the governor may direct but no later than ninety days after the start of the next fiscal biennium, and the state auditor shall deliver to the state treasurer all books, records, accounts, equipment, or other property relating to such function. In all cases where any question shall arise as to the proper custody of any such books, records, accounts, equipment or property, or pending business, the governor shall determine the question;

(2) In all cases where reports, notices, certifications, vouchers, disbursements and similar statements are now required to be given to any agency the duties and responsibilities of which are being assigned or reassigned by this chapter, the same shall be given to the agency or agencies in the manner provided for in this chapter.

[1986 c 215 § 6; 1965 c 8 § 43.88.210. Prior: 1959 c 328 § 21.]

RCW 43.88.220 Federal law controls in case of conflict--Rules.

Applicable Cases

If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules and regulations under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1965 c 8 § 43.88.220. Prior: 1959 c 328 § 22.]

RCW 43.88.230 Legislative agencies and committees deemed part of legislative branch.

Applicable Cases

For the purposes of this chapter, the statute law committee, the joint legislative audit and review committee, the legislative transportation committee, the legislative evaluation and accountability program committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

[1996 c 288 § 40; 1981 c 270 § 12; 1975 1st ex.s. c 293 § 11; 1965 c 8 § 43.88.230. Prior: 1959 c 328 § 23.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

RCW 43.88.240 Exemption of Washington state commodity commissions.

Applicable Cases

Unless otherwise directed in the commodity commission enabling statute, this chapter shall not apply to the Washington state commodity commissions created either under separate statute or under the provisions of chapters 15.65 and 15.66 RCW: PROVIDED, That all such

commissions shall submit estimates and such other necessary information as may be required for the development of the budget and shall also be subject to audit by the appropriate state auditing agency or officer.

[1995 c 374 § 60; 1981 c 225 § 3; 1965 c 8 § 43.88.240. Prior: 1959 c 328 § 24.]

Notes:

Effective date--1995 c 374 §§ 1-47, 50-53, and 59-68: See note following RCW 15.36.012.

RCW 43.88.250 Emergency expenditures.

Applicable Cases

Whenever an emergency shall arise necessitating an expenditure for the preservation of peace, health or safety, or for the carrying on of the necessary work required by law of any state agency for which insufficient or no appropriations have been made, the head of such agency shall submit to the governor, duplicate copies of a sworn statement, setting forth the facts constituting the emergency and the estimated amount of money required therefor. If the governor approves such estimate in whole or in part, the governor shall indorse on each copy of the statement the governor's approval, together with a statement of the amount approved as an allocation from any appropriation available for allocation for emergency purposes and transmit one copy to the head of the agency thereby authorizing the emergency expenditures.

[1975-'76 2nd ex.s. c 83 § 1.]

RCW 43.88.260 Deficiencies prohibited--Exceptions.

Applicable Cases

(1) It shall be unlawful for any agency head or disbursing officer to incur any cash deficiency and any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

(2) This section does not apply to:

(a) Temporary cash deficiencies resulting from disbursements under a expenditure plan approved under RCW 43.88.110.

(b) Temporary cash deficiencies authorized by the director of financial management for funds and accounts in the state treasury or in the custody of the state treasurer. Each authorization under this subsection (b) shall distinctly specify the fund or account for which a deficiency is authorized, the maximum amount of cash deficiency which may be incurred, and the maximum time period during which the cash deficiency may continue. Each authorization shall expire at the end of each fiscal biennium unless renewed by the director of financial management. The director of financial management shall report each authorization and renewal to the legislative fiscal committees.

(c) Temporary cash deficiencies in funds or accounts which are neither in the state treasury, nor in the custody of the treasurer, if the cash deficiency does not continue past the end of the fiscal biennium.

(3) Nothing in this section permits the expenditure of moneys in excess of an applicable appropriation.

[1987 c 502 § 7; 1975-'76 2nd ex.s. c 83 § 2.]

RCW 43.88.265 Construction accounts--Exception to certain accounting requirements.

Applicable Cases

In order to comply with the provisions of the federal tax reform act of 1986, construction accounts that receive bond proceeds are exempt from RCW 43.88.050, 43.88.110, and 43.88.260 and may incur seasonal cash deficits pending the sale of bonds or bond anticipation notes subject to the following conditions:

- (1) The respective account has unexpended appropriation authority.
- (2) There are authorized unissued bonds available for sale by the state finance committee under direction to deposit the proceeds of the sale in the respective account.
- (3) The bonds are of an amount that would remedy the cash deficit if the bonds were sold.

[1989 1st ex.s. c 14 § 18.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.88.270 Penalty for violations.

Applicable Cases

Any officer or employee violating, or wilfully refusing or failing to comply with, any provision of this chapter shall be guilty of a misdemeanor.

[1975-'76 2nd ex.s. c 83 § 3.]

RCW 43.88.280 Fiscal responsibilities of state officers and employees--"State officer or employee" defined.

Applicable Cases

As used in RCW 43.88.290 and 43.88.300 the term "state officer or employee" includes the members of the governing body of any state agency, as state agency is defined in RCW 43.88.020(4) and those generally known as executive management but excludes nonsupervisory state employees covered by civil service under chapters 41.06 and *28B.16 RCW.

[1977 ex.s. c 320 § 1.]

Notes:

***Reviser's note:** Chapter 28B.16 RCW was repealed by 1993 c 281, with the exception of RCW 28B.16.015 and 28B.16.240, which was recodified as RCW 41.06.382. The powers, duties, and functions of the state higher education personnel board were transferred to the Washington personnel resources board.

Effective date--1977 ex.s. c 320: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1977." [1977 ex.s. c 320 § 6.]

RCW 43.88.290 Fiscal responsibilities of state officers and employees--Prohibitions relative to appropriations and expenditures.

Applicable Cases

No state officer or employee shall intentionally or negligently: Over-expend or over-encumber any appropriation made by law; fail to properly account for any expenditures by fund, program, or fiscal period; or expend funds contrary to the terms, limits, or conditions of any appropriation made by law.

[1981 c 270 § 13; 1977 ex.s. c 320 § 2.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.300 Fiscal responsibilities of state officers and employees--Violations--Civil penalties--Forfeiture.

Applicable Cases

(1) Where there is reason to believe that a present or former state officer or employee has violated or threatens to violate RCW 43.88.290, the attorney general may initiate an appropriate civil action for the enforcement of RCW 43.88.280 through 43.88.320 or to prevent any such violation. The action may be brought in the county where the alleged violator resides, or the county where the violation is alleged to have occurred or is threatened.

(2) For each violation of RCW 43.88.290 the attorney general shall seek to recover and the court may award the following damages on behalf of the state of Washington:

(a) From each person found in violation of RCW 43.88.290 a civil penalty in the amount of five hundred dollars, or all costs, including reasonable attorney's fees incurred by the state in said action, whichever is greater;

(b) Any damages sustained by the state as a result of the conduct constituting said violation.

In addition to the other penalties contained in this section, judgment against any person, other than an elected official, for violating RCW 43.88.290 may include a declaration of forfeiture of such person's office or employment, to take effect immediately.

[1977 ex.s. c 320 § 3.]

Notes:

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.310 Fiscal responsibilities of state officers and employees--Duties of legislative auditor, attorney general.

Applicable Cases

(1) The legislative auditor of the office of the joint legislative audit and review committee, with the concurrence of the joint legislative audit and review committee, may file with the attorney general any audit exceptions or other findings of any performance audit, management study, or special report prepared for the joint legislative audit and review committee, any standing or special committees of the house or senate, or the entire legislature which indicate a violation of RCW 43.88.290, or any other act of malfeasance, misfeasance, or nonfeasance on the part of any state officer or employee.

(2) The attorney general shall promptly review each filing received from the legislative auditor and may act thereon as provided in RCW 43.88.300, or any other applicable statute authorizing enforcement proceedings by the attorney general. The attorney general shall advise the joint legislative audit and review committee of the status of exceptions or findings referred under this section.

[1996 c 288 § 41; 1993 c 157 § 1; 1977 ex.s. c 320 § 4.]

Notes:

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.320 Fiscal responsibilities of state officers and employees--Civil penalties additional to other penalties.

Applicable Cases

The civil penalties provided by RCW 43.88.280 through 43.88.320 are in addition to any other penalties which may be provided by law.

[1977 ex.s. c 320 § 5.]

Notes:

Effective date--1977 ex.s. c 320: See note following RCW 43.88.280.

RCW 43.88.350 Legal services revolving fund--General administration services account--Approval of certain changes required.

Applicable Cases

Any rate increases proposed for or any change in the method of calculating charges from the legal services revolving fund or services provided in accordance with RCW 43.01.090 or 43.19.500 in the general administration services account is subject to approval by the director of financial management prior to implementation.

[1998 c 105 § 16; 1981 c 270 § 14.]

Notes:

Effective date--1998 c 105: See note following RCW 43.19.025.

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

General administration services account: RCW 43.19.500.

Legal services revolving fund: RCW 43.10.150.

RCW 43.88.500 State boards, commissions, councils, and committees--Legislative finding and declaration.

Applicable Cases

The legislature finds that members of boards, commissions, councils, and committees in state government make a valuable contribution to the public welfare.

Nevertheless, the legislature also finds that the continued proliferation of both statutory and nonstatutory groups of this nature without effective, periodic review of existing groups can result in wasteful duplication of effort, fragmentation of administrative authority, lack of

accountability, plus an excessive and frequently hidden financial burden on the state.

The legislature further finds that effective legislative oversight and review of boards, commissions, councils, and committees is frustrated by a lack of current and reliable information on the status and activities of such groups.

The legislature declares that legislative oversight and overall accountability in state government can be significantly improved by creating in the office of financial management a central clearinghouse for information on boards, commissions, councils, and committees.

[1979 c 151 § 142; 1977 c 23 § 1.]

Notes:

Termination review: RCW 43.41.220.

RCW 43.88.505 State boards, commissions, councils, and committees--Compilation of list, information.

Applicable Cases

(1) The director of financial management shall compile, and revise within ninety days after the beginning of each biennium, a current list of all permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that are established by the executive, legislative, or judicial branches of state government and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall include but not be limited to any such group which:

(a) Functions primarily in an advisory, planning, or coordinating capacity;

(b) Performs advertising, research, promotional, or marketing services for a specific business, industry, or occupation; or

(c) Performs licensing, regulatory, or quasi-judicial functions, adopts rules, or has responsibility for the administration or policy direction of a state agency or program.

(3) Such list shall contain the following information for each board, commission, council, committee, or other group of similar nomenclature:

(a) The legal authorization for the creation of the group;

(b) The number of members on the group, the appointing authority, and the agency to which the group reports;

(c) The number of meetings held during the preceding biennium;

(d) A brief summary of the primary responsibilities of the group;

(e) The total estimated cost of operating the group during the preceding biennium and the estimated cost of the group during the ensuing biennium. Such cost data shall include the estimated administrative expenses of the group as well as the estimated cost to an agency of providing full time equivalent or part time supporting staff to the group; and

(f) The source of funding for the group.

[1979 c 151 § 143; 1977 c 23 § 2.]

RCW 43.88.510 State boards, commissions, councils, and committees--Submission of list

and data to legislature.

Applicable Cases

Not later than ninety days after the beginning of each biennium, the director of financial management shall submit the compiled list of boards, commissions, councils, and committees, together with the information on each such group, that is required by RCW 43.88.505 to:

(1) The speaker of the house and the president of the senate for distribution to the appropriate standing committees, including one copy to the staff of each of the committees;

(2) The chair of the joint legislative audit and review committee, including a copy to the staff of the committee;

(3) The chairs of the committees on ways and means of the senate and house of representatives; and

(4) Members of the state government committee of the house of representatives and of the governmental operations committee of the senate, including one copy to the staff of each of the committees.

[1996 c 288 § 42; 1987 c 505 § 37; 1979 c 151 § 144; 1977 c 23 § 3.]

RCW 43.88.515 State boards, commissions, councils, and committees--Agencies to submit lists, information.

Applicable Cases

(1) In order to facilitate the compilation of data required by RCW 43.88.505, each agency of the executive, legislative, and judicial branches of state government shall submit to the director of financial management a current list of the permanent and temporary, statutory and nonstatutory boards, commissions, councils, committees, and other groups of similar nomenclature that report to, or are involved in the operation of, the agency and whose members are eligible to receive travel expenses for their meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) Such list shall contain the administrative and cost information for each group that is prescribed in RCW 43.88.505(3).

(3) The director of financial management shall establish guidelines and a format for agencies to follow in submitting information on boards, commissions, councils, and committees.

[1979 c 151 § 145; 1977 c 23 § 4.]

RCW 43.88.550 Forest fire fighting expenses--Transfers to Clarke-McNary fund.

Applicable Cases

Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund--state, or such other funds as the state treasurer deems appropriate, to the Clarke-McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

[1989 c 362 § 3.]

RCW 43.88.560 Information technology projects--Funding policies and standards.

Applicable Cases

The director of financial management shall establish policies and standards governing the funding of major information technology projects as required under RCW 43.105.190(2).

[1992 c 20 § 7.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.88.570 Social services provided by nongovernment entities receiving state moneys--Report by agencies--Audits.

Applicable Cases

(1) Each state agency shall submit a report to the office of the state auditor listing each nongovernment entity that received over three hundred thousand dollars in state moneys during the previous fiscal year under contract with the agency for purposes related to the provision of social services. The report must be submitted by September 1 each year, and must be in a form prescribed by the office of the state auditor.

(2) The office of the state auditor shall select at random a group of entities from the reports using a procedure prescribed by the office of the state auditor. The office of the state auditor shall ensure that the number of entities selected under this subsection (2) each year is sufficient to ensure a statistically representative sample of all reported entities.

(3) Each entity selected under subsection (2) of this section shall be required to complete a comprehensive entity-wide audit in accordance with generally accepted government auditing standards. The audit shall be completed by, or under the supervision of, a certified public accountant licensed in this state. The audit shall determine, at a minimum, whether:

(a) The financial statements of the entity are presented fairly in all material respects in conformity with generally accepted accounting principles;

(b) The schedule of expenditures of state moneys is presented fairly in all material respects in relation to the financial statements taken as a whole;

(c) Internal accounting controls exist and are effective; and

(d) The entity has complied with laws, regulations, and contract and grant provisions that have a direct and material effect on performance of the contract and the expenditure of state moneys.

(4) The office of the state auditor shall also select a second group based on a risk assessment of entities conducted by the office of the state auditor in consultation with state agencies. The office of the state auditor shall consider, at a minimum, the following factors when conducting risk assessments: Findings from audits of entities under contract with the state to provide services for the same state or federal program; findings from previous audits; decentralization of decision making and controls; turnover in officials and key personnel; changes in management structure or operations; and the presence of new programs, technologies,

or funding sources.

(5) The office of the state auditor is required to complete a comprehensive entity-wide audit, in accordance with generally accepted government auditing standards, of each entity selected under subsection (4) of this section. The office of the state auditor may procure the services of a certified public accountant to perform such an audit, as set forth under RCW 43.09.045. The audit shall determine, at a minimum, whether:

(a) The financial statements of the entity are presented fairly in all material respects in conformity with generally accepted accounting principles;

(b) The schedule of expenditures of state moneys is presented fairly in all material respects in relation to the financial statements taken as a whole;

(c) Internal accounting controls exist and are effective; and

(d) The entity has complied with statutes, rules, regulations, and contract and grant provisions that have a direct and material effect on performance of the contract and the expenditure of state moneys.

(6) The office of the state auditor shall prescribe policies and procedures for the conduct of audits under this section. The office of the state auditor shall deem single audits completed in compliance with federal requirements to be in fulfillment of the requirements of this section if the audit meets the requirements of subsection (3)(a) through (d) or (5)(a) through (d) of this section. If the entity is selected under subsection (4) of this section, the office of the state auditor shall review the single audit to determine if there is evidence of misuse of public moneys.

(7) Completed audits must be delivered to the office of the state auditor and the state agency by April 1 in the year following the selection of the entity for audit. Entities must resolve any findings contained in the audit within six months of the delivery of the audit. Entities may not enter into new contracts with state agencies until all major audit findings are resolved.

(8) Nothing in this section limits the authority of the state auditor to carry out statutorily and contractually prescribed powers and duties.

[1998 c 232 § 2; 1997 c 374 § 3.]

Notes:

Findings--Intent--1998 c 232: See note following RCW 43.09.055.

Findings--1997 c 374: See note following RCW 43.63A.125.

RCW 43.88.899 Intent--Periodic review.

Applicable Cases

The amendments to chapter 43.88 RCW by chapter 215, Laws of 1986 are intended to improve the reporting of state budgeting, accounting, and other fiscal data. The legislative evaluation and accountability program committee shall periodically review chapter 43.88 RCW and shall recommend further revisions if needed.

[1986 c 215 § 8.]

RCW 43.88.901 Severability--1973 1st ex.s. c 100.

Applicable Cases

If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 1st ex.s. c 100 § 10.]

RCW 43.88.902 Severability--1975 1st ex.s. c 293.

Applicable Cases

If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1975 1st ex.s. c 293 § 22.]

RCW 43.88.903 Severability--1977 c 23.

Applicable Cases

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

[1977 c 23 § 5.]

RCW 43.88.910 Effective date--1975 1st ex.s. c 293.

Applicable Cases

This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1975.

[1975 1st ex.s. c 293 § 23.]

**Chapter 43.88A RCW
LEGISLATIVE FISCAL NOTES**

RCW

- 43.88A.010 Legislative declaration.
- 43.88A.020 Fiscal notes--Preparation--Contents--Duties of office of financial management.
- 43.88A.030 Fiscal notes--Distribution.
- 43.88A.040 Fiscal notes--Preparation upon request of any legislator.
- 43.88A.900 Construction of chapter.

Notes:

Fiscal impact of proposed legislation on political subdivisions: Chapter 43.132 RCW.

RCW 43.88A.010 Legislative declaration.

Applicable Cases

The legislature hereby recognizes the necessity of developing a uniform and coordinated procedure for determining the expected fiscal impact of bills and resolutions on state government. The legislature also recognizes that developing such statements of fiscal impact, which shall be known as fiscal notes, requires the designation of a state agency to be principally responsible therefor.

[1977 ex.s. c 25 § 1.]

RCW 43.88A.020 Fiscal notes--Preparation--Contents--Duties of office of financial management.

Applicable Cases

The office of financial management shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of fiscal notes on the expected impact of bills and resolutions which increase or decrease or tend to increase or decrease state government revenues or expenditures. Such fiscal notes shall indicate by fiscal year the impact for the remainder of the biennium in which the bill or resolution will first take effect as well as a cumulative forecast of the fiscal impact for the succeeding four fiscal years. Fiscal notes shall separately identify the fiscal impacts on the operating and capital budgets. Estimates of fiscal impacts shall be calculated using the procedures contained in the fiscal note instructions issued by the office of financial management.

In establishing the fiscal impact called for pursuant to this chapter, the office of financial management shall coordinate the development of fiscal notes with all state agencies affected.

[1994 c 219 § 3; 1979 c 151 § 146; 1977 ex.s. c 25 § 2.]

Notes:

Finding--1994 c 219: See note following RCW 43.88.030.

RCW 43.88A.030 Fiscal notes--Distribution.

Applicable Cases

When a fiscal note is prepared and approved as to form, accuracy, and completeness by the office of financial management, which depicts the expected fiscal impact of a bill or resolution, copies shall be filed immediately with:

- (1) The chairperson of the committee to which the bill or resolution was referred upon introduction in the house of origin;
- (2) The senate committee on ways and means, or its successor; and
- (3) The house committees on revenue and appropriations, or their successors.

Whenever possible, such fiscal note shall be provided prior to or at the time the bill or resolution is first heard by the committee of reference in the house of origin.

When a fiscal note has been prepared for a bill or resolution, a copy of the fiscal note shall be placed in the bill books or otherwise attached to the bill or resolution and shall remain with the bill or resolution throughout the legislative process insofar as possible.

[1986 c 158 § 16; 1979 ex.s. c 112 § 1; 1979 c 151 § 147; 1977 ex.s. c 25 § 3.]

RCW 43.88A.040 Fiscal notes--Preparation upon request of any legislator.

Applicable Cases

The office of financial management shall also provide a fiscal note on any legislative proposal at the request of any legislator. Such fiscal note shall be returned to the requesting legislator, and copies shall be filed with the appropriate legislative committees pursuant to RCW 43.88A.030 at the time such proposed legislation is introduced in either house.

[1979 c 151 § 148; 1977 ex.s. c 25 § 4.]

RCW 43.88A.900 Construction of chapter.

Applicable Cases

Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

[1977 ex.s. c 25 § 5.]

**Chapter 43.88C RCW
CASELOAD FORECAST COUNCIL**

RCW

- | | |
|------------|---|
| 43.88C.010 | Caseload forecast council--Caseload forecast supervisor--Oversight and approval of official caseload forecast--Alternative forecast--Travel reimbursement--Definitions. |
| 43.88C.020 | Preparation and submittal of caseload forecasts--Cooperation of state agencies--Official state caseload forecast. |
| 43.88C.030 | Caseload forecast work group--Submittal of data by state agencies--Meetings. |
| 43.88C.900 | Effective date--1997 c 168. |

RCW 43.88C.010 Caseload forecast council--Caseload forecast supervisor--Oversight and approval of official caseload forecast--Alternative forecast--Travel reimbursement--Definitions.

Applicable Cases

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A council member who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means the number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support.

(8) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

[1997 c 168 § 1.]

RCW 43.88C.020 Preparation and submittal of caseload forecasts--Cooperation of state agencies--Official state caseload forecast.

Applicable Cases

(1) In consultation with the caseload forecast work group established under RCW 43.88C.030, and subject to the approval of the caseload forecast council under RCW 43.88C.010, the supervisor shall prepare:

- (a) An official state caseload forecast; and
- (b) Other caseload forecasts based on alternative assumptions as the council may determine.

(2) The supervisor shall submit caseload forecasts prepared under this section, along with any unofficial forecasts provided under RCW 43.88C.010, to the governor and the members of the legislative fiscal committees, including one copy to the staff of each of the committees. The forecasts shall be submitted at least three times each year and on such dates as the council determines will facilitate the development of budget proposals by the governor and the

legislature.

(3) All agencies of state government shall provide to the supervisor immediate access to all information relating to caseload forecasts.

(4) The administrator of the legislative evaluation and accountability program committee may request, and the supervisor shall provide, alternative caseload forecasts based on assumptions specified by the administrator.

(5) The official state caseload forecast under this section shall be the basis of the governor's budget document as provided in RCW 43.88.030 and utilized by the legislature in the development of the omnibus biennial appropriations act.

[1997 c 168 § 2.]

RCW 43.88C.030 Caseload forecast work group--Submittal of data by state agencies--Meetings.

Applicable Cases

(1) To promote the free flow of information and to promote legislative and executive input in the development of assumptions and preparation of forecasts, immediate access to all information and statistical models relating to caseload forecasts shall be available to the caseload forecast work group, hereby created. Each state agency affected by caseloads shall submit caseload reports and data to the council as soon as the reports and data are available and shall provide to the council and the supervisor such additional raw, program-level data or information as may be necessary for discharge of their respective duties.

(2) The caseload forecast work group shall consist of one staff member selected by the executive head or chairperson of each of the following agencies, programs, or committees:

- (a) Office of financial management;
- (b) Ways and means committee, or its successor, of the senate;
- (c) Appropriations committee, or its successor, of the house of representatives;
- (d) Legislative evaluation and accountability program committee; and
- (e) Each state program for which the council forecasts the caseload.

(3) The caseload forecast work group shall provide technical support to the caseload forecast council. Meetings of the caseload forecast work group may be called by any member of the group for the purpose of assisting the council, reviewing forecasts, or for any other purpose that may assist the council.

[1997 c 168 § 3.]

RCW 43.88C.900 Effective date--1997 c 168.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997.

[1997 c 168 § 8.]

Chapter 43.89 RCW
TELETYPEWRITER COMMUNICATIONS NETWORK

RCW

- 43.89.010 Teletypewriter communications network--Establishment--Use--Charges--Duties of chief of state patrol.
- 43.89.030 Connection with and participation in network by political subdivisions.
- 43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.
- 43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability.

RCW 43.89.010 Teletypewriter communications network--Establishment--Use--Charges--Duties of chief of state patrol.

Applicable Cases

The chief of the Washington state patrol is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: PROVIDED, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state. Of the fees collected pursuant to this section, one-half shall be deposited in the motor vehicle fund and one-half shall be deposited in the transportation fund.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

[1993 sp.s. c 23 § 63; 1965 ex.s. c 60 § 2; 1965 c 8 § 43.89.010. Prior: 1963 c 160 § 1.]

Notes:

Effective dates--1993 sp.s. c 23: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 28, 1993], except for sections 60 and 61, which shall take effect January 1, 1994." [1993 sp.s. c 23 § 65.]

Effective date--1965 ex.s. c 60: "This 1965 amendatory act shall take effect on July 1, 1965." [1965 ex.s.

c 60 § 6.]

RCW 43.89.030 Connection with and participation in network by political subdivisions.

Applicable Cases

Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: PROVIDED, That such city, county, city and county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the chief of the Washington state patrol.

[1965 ex.s. c 60 § 4; 1965 c 8 § 43.89.030. Prior: 1963 c 160 § 3.]

RCW 43.89.040 Transfer of powers, duties, functions, contracts, rules, property, appropriation, etc., to chief of state patrol.

Applicable Cases

The powers, duties, and functions of the director of budget relating to the state teletypewriter communication network are transferred to the chief of the Washington state patrol. All existing contracts, orders, rules, regulations, records, and obligations together with communications equipment, motor vehicles, and any other property, device, or thing and any remaining appropriation pertaining to such communication network shall be transferred by the director of budget or his agent to the chief of the Washington state patrol as of July 1, 1965.

[1965 ex.s. c 60 § 1.]

RCW 43.89.050 Transfer of powers, duties and functions not to terminate or affect state liability.

Applicable Cases

The transfer of the powers, duties, and functions relating to the state teletypewriter communication network from the director of budget to the chief of the Washington state patrol shall not terminate or affect the liability of the state accruing with respect to such communications network to any person, company, or corporation.

[1965 ex.s. c 60 § 5.]

**Chapter 43.92 RCW
GEOLOGICAL SURVEY**

RCW

43.92.010	Supervisor of geology.
43.92.020	Objects of survey.
43.92.040	Printing and distribution of reports.
43.92.060	Cooperation with federal geological survey.
43.92.070	Topographic map--Stream measurements.
43.92.080	Entry on lands authorized.

Notes:

Reviser's note: The powers, duties and functions of the department of conservation with respect to geology as set forth in chapter 43.92 RCW were transferred to the department of natural resources by 1967 c 242 § 15 [RCW 43.27A.130].

RCW 43.92.010 Supervisor of geology.

Applicable Cases

There shall be a geological survey of the state which shall be under the direction of the commissioner of public lands who shall have general charge of the survey, and shall appoint as supervisor of the survey a geologist of established reputation, to be known as the supervisor of geology.

[1988 c 127 § 28; 1965 c 8 § 43.92.010. Prior: 1901 c 165 § 1; 1890 p 647 § 1; 1890 p 249 § 1; RRS § 5993.]

RCW 43.92.020 Objects of survey.

Applicable Cases

The survey shall have for its objects:

An examination of the economic products of the state, viz: The gold, silver, copper, lead, and iron ores, as well as building stones, clays, coal, and all mineral substances of value; an examination and classification of the soils, and the study of their adaptability to particular crops; investigation and report upon the water supplies, artesian wells, the water power of the state, gauging the streams, etc., with reference to their application for irrigation and other purposes; an examination and report upon the occurrence of different road building material; an examination of the physical features of the state with reference to their practical bearing upon the occupations of the people; the preparation of special geological and economic maps to illustrate the resources of the state; the preparation of special reports with necessary illustrations and maps, which shall embrace both the general and detailed description of the geology and natural resources of the state, and the consideration of such other kindred scientific and economic questions as in the judgment of the director shall be deemed of value to the people of the state.

[1965 c 8 § 43.92.020. Prior: 1901 c 165 § 2; 1890 p 249 § 3; 1890 p 648 §§ 3, 4, 5, 6, 7; RRS § 5994.]

RCW 43.92.040 Printing and distribution of reports.

Applicable Cases

The regular and special reports of the survey with proper illustrations and maps, shall be printed as the director may direct, and the reports shall be distributed or sold by him as the interests of the state and of science demand; and all money obtained by the sale of reports shall be paid into the state treasury.

[1965 c 8 § 43.92.040. Prior: 1901 c 165 § 4; RRS § 5996.]

RCW 43.92.060 Cooperation with federal geological survey.

Applicable Cases

The director may make provisions for topographic, geologic, and hydrographic surveys of the state in cooperation with the United States geological survey in such manner as in his opinion will be of the greatest benefit to the agricultural, industrial, and geological requirements of the state: PROVIDED, That the director of the United States geological survey agrees to expend on the part of the United States upon such surveys a sum equal to that expended by the state.

[1965 c 8 § 43.92.060. Prior: 1903 c 157 § 1; 1901 c 165 § 6; RRS § 5998.]

RCW 43.92.070 Topographic map--Stream measurements.

Applicable Cases

In order to complete the topographic map of the state and for the purpose of making more extensive stream measurements, and otherwise investigating and determining the water supply of the state, the director may enter into such agreements with the director of the United States geological survey as will insure that the surveys and investigations be carried on in the most economical manner, and that the maps and data be available for the use of the public as quickly as possible.

[1965 c 8 § 43.92.070. Prior: 1909 c 245 § 1; RRS § 5999.]

RCW 43.92.080 Entry on lands authorized.

Applicable Cases

In order to carry out the purposes of this chapter all persons employed hereunder are authorized to enter and cross all land within the state doing thereby no damage to private property.

[1965 c 8 § 43.92.080. Prior: 1909 c 245 § 3; RRS § 6000.]

**Chapter 43.96B RCW
EXPO '74--BOND ISSUE**

RCW

STATE PAVILION--BOND ISSUE

- 43.96B.200 Legislative finding.
- 43.96B.205 Bond issue--Authorized.
- 43.96B.210 Bond issue--Issuance and sale of bonds--Form, terms, conditions, etc.--Authority of state finance committee.
- 43.96B.215 Bond issue--Anticipation notes--Disposition of proceeds--Acquisition of property by Expo '74 commission authorized.
- 43.96B.220 Bond issue--Administration of proceeds.
- 43.96B.225 Bond issue--Redemption fund--Payment of bonds.
- 43.96B.230 Bond issue--Additional means of payment.
- 43.96B.235 Bond issue--Legal investment for public funds.
- 43.96B.240 Appropriation.
- 43.96B.245 Severability--1973 1st ex.s. c 116.

43.96B.900 Severability--1971 ex.s. c 3.

STATE PAVILION--BOND ISSUE

RCW 43.96B.200 Legislative finding.

Applicable Cases

The legislature finds that an expansion of the state pavilion at Expo '74 initially authorized for construction by the 1971 legislature is consistent with the purposes of the exposition and the needs of the state of Washington in order that the facility produced will both more adequately serve the state during the exposition and as a permanent structure for the benefit of the state afterwards.

[1973 1st ex.s. c 116 § 1.]

RCW 43.96B.205 Bond issue--Authorized.

Applicable Cases

For the purpose of providing additional space for the Washington State Pavilion at Expo '74 as determined to be necessary by the Expo '74 commission, including the planning, acquisition, construction, remodeling and equipping, together with all improvements and enhancements of said project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two million nine hundred thousand dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.96B.200 through 43.96B.245 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1973 1st ex.s. c 116 § 2.]

RCW 43.96B.210 Bond issue--Issuance and sale of bonds--Form, terms, conditions, etc.--Authority of state finance committee.

Applicable Cases

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and notes, if any. Such bonds shall be payable at such places as the committee may provide.

[1973 1st ex.s. c 116 § 3.]

RCW 43.96B.215 Bond issue--Anticipation notes--Disposition of proceeds--Acquisition of property by Expo '74 commission authorized.

Applicable Cases

At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.96B.200 through 43.96B.245 and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire property, real and personal, by lease, purchase[,] condemnation or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The commission is further directed pursuant to RCW 43.19.450 to utilize the department of general administration services to accomplish the purposes set forth herein.

[1973 1st ex.s. c 116 § 4.]

RCW 43.96B.220 Bond issue--Administration of proceeds.

Applicable Cases

The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the Expo '74 commission.

[1973 1st ex.s. c 116 § 5.]

RCW 43.96B.225 Bond issue--Redemption fund--Payment of bonds.

Applicable Cases

The state building bond redemption fund, 1973-A, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.96B.200 through 43.96B.245. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund, 1973-A, from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.96B.200 through 43.96B.245 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the

trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1973 1st ex.s. c 116 § 6.]

RCW 43.96B.230 Bond issue--Additional means of payment.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.96B.200 through 43.96B.245 shall not be deemed to provide an exclusive method for such payment.

[1973 1st ex.s. c 116 § 7.]

RCW 43.96B.235 Bond issue--Legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1973 1st ex.s. c 116 § 8.]

RCW 43.96B.240 Appropriation.

Applicable Cases

There is hereby appropriated to the Expo '74 commission from the state building construction account of the general fund the sum of two million nine hundred thousand dollars or so much thereof as may be necessary to accomplish the purposes of RCW 43.96B.200 through 43.96B.245.

[1973 1st ex.s. c 116 § 9.]

RCW 43.96B.245 Severability--1973 1st ex.s. c 116.

Applicable Cases

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

[1973 1st ex.s. c 116 § 10.]

RCW 43.96B.900 Severability--1971 ex.s. c 3.

Applicable Cases

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

[1971 ex.s. c 3 § 9.]

Chapter 43.97 RCW
COLUMBIA RIVER GORGE COMPACT

(Formerly Columbia River Gorge commission)

RCW

43.97.015 Columbia River Gorge Compact--Columbia River Gorge commission.
43.97.025 Grant of authority--Appointment of members to commission--Vacancies.
43.97.035 Commission members--Compensation--Travel expenses.

RCW 43.97.015 Columbia River Gorge Compact--Columbia River Gorge commission.

Applicable Cases

The legislature of the State of Washington hereby ratifies the Columbia River Gorge Compact set forth below, and the provisions of such compact hereby are declared to be the law of this state upon such compact becoming effective as provided in Article III.

A compact is entered into by and between the states of Washington and Oregon, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled, "The Columbia River Gorge National Scenic Area Act," P.L. 99-663.

ARTICLE I
COLUMBIA GORGE COMMISSION ESTABLISHED

a. The States of Oregon and Washington establish by way of this interstate compact a regional agency known as the Columbia River Gorge Commission. The commission established in accordance with this compact shall have the power and authority to perform all functions and responsibilities in accordance with the provisions of this compact and of the Columbia River Gorge National Scenic Area Act (the federal Act), which is incorporated by this specific reference in this agreement. The commission's powers shall include, but not be limited to:

1. The power to sue and be sued.
2. The power to disapprove a land use ordinance enacted by a county if the ordinance is inconsistent with the management plan, as provided in P.L. 96-663, Sec. 7(b)(3)(B).
3. The power to enact a land use ordinance setting standards for the use of nonfederal land in a county within the scenic area if the county fails to enact land use ordinances consistent with the management plan, as provided in P.L. 99-663, Sec. 7(c).
4. According to the provisions of P.L. 99-663, Sec. 10(c), the power to review all proposals for major development action and new residential development in each county in the scenic area, except urban areas, and the power to disapprove such development if the commission finds the development is inconsistent with the purposes of P.L. 99-663.

b. The commission shall appoint and remove or discharge such personnel as may be necessary for the performance of the commission's functions, irrespective of the civil service, personnel or other merit system laws of any of the party states.

c. The commission may establish and maintain, independently or in conjunction with any

one or more of the party states, a suitable retirement system for its full-time employees. Employees of the commission shall be eligible for social security coverage in respect of old age and survivors insurance provided that the commission takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

d. The commission shall obtain the services of such professional, technical, clerical and other personnel as may be deemed necessary to enable it to carry out its functions under this compact. The commission may borrow, accept, or contract for the services of personnel from any state of the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

e. Funds necessary to fulfill the powers and duties imposed upon and entrusted to the commission shall be provided as appropriated by the legislatures of the states in accordance with Article IV. The commission may also receive gifts, grants, endowments and other funds from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the commission and expend the same or any income therefrom according to the terms of the gifts, grants, endowments or other funds.

f. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

g. The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules and regulations. The commission shall publish its bylaws, rules and regulations in convenient form and shall file a copy thereof and of any amendment thereto, with the appropriate agency or officer in each of the party states.

ARTICLE II THE COMMISSION MEMBERSHIP

a. The commission shall be made up of twelve voting members appointed by the states, as set forth herein, and one non-voting member appointed by the U.S. Secretary of Agriculture.

b. Each state governor shall appoint the members of the commission as provided in the federal Act (three members who reside in the State of Oregon, including one resident of the scenic area, to be appointed by the Governor of Oregon, and three members who reside in the State of Washington, including one resident of the scenic area, appointed by the Governor of Washington).

c. One additional member shall be appointed by the governing body of each of the respective counties of Clark, Klickitat, and Skamania in Washington, and Hood River, Multnomah, and Wasco in Oregon, provided that in the event the governing body of a county fails to make such an appointment, the Governor of the state in which the county is located shall appoint such a member.

d. The terms of the members and procedure for filling vacancies shall all be as set forth in the federal Act.

ARTICLE III EFFECTIVE DATE OF COMPACT AND COMMISSION

This compact shall take effect, and the commission may exercise its authorities pursuant to the compact and pursuant to the Columbia River Gorge National Scenic Area Act when it has been ratified by both states and upon the appointment of four initial members from each state. The date of this compact shall be the date of the establishment of the commission.

ARTICLE IV FUNDING

a. The States of Washington and Oregon hereby agree to provide by separate agreement or statute of each state for funding necessary to effectuate the commission, including the establishment of compensation or expenses of commission members from each state which shall be paid by the state of origin.

b. The commission shall submit to the Governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

c. Subject to appropriation by their respective legislatures, the commission shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the commission.

d. The commission's proposed budget and expenditures shall be apportioned equally between the states.

e. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by the appropriate state auditing official and the report of the audit shall be included in and become a part of the annual report of the commission.

f. The accounts of the commission shall be open at any reasonable time for inspection by the public.

ARTICLE V SEVERABILITY

If any provision of this compact, or its application to any person or circumstance, is held to be invalid, all other provisions of this compact, and the application of all of its provisions to

all other persons and circumstances, shall remain valid, and to this end the provisions of this compact are severable.

[1987 c 499 § 1.]

RCW 43.97.025 Grant of authority--Appointment of members to commission--Vacancies.

Applicable Cases

(1) The governor, the Columbia River Gorge commission, and all state agencies and counties are hereby directed and provided authority to carry out their respective functions and responsibilities in accordance with the compact executed pursuant to RCW 43.97.015, the Columbia River Gorge National Scenic Area Act, and the provisions of this chapter.

(2) The governor shall appoint three members of the Columbia River Gorge commission who reside in the state of Washington, at least one of whom shall be a resident of the scenic area as defined in the act.

(3)(a) The governing bodies of Clark, Klickitat, and Skamania counties shall each appoint one member of the Columbia River Gorge commission.

(b) In the event the governing body of a county fails to make the appointments prescribed in section 5(a)(c)(1) of that act and (a) of this subsection, the governor shall appoint any such member.

(4) Each member appointed by the governor shall be subject to confirmation by the Washington state senate and shall serve at the pleasure of the governor until their term shall expire or until a disqualifying change in residence.

(5) Of those members appointed to the Columbia River Gorge commission by the governing body of the counties of Clark, Klickitat, and Skamania, the governor shall designate one member to serve for a term of five years and one to serve for six years. Of those members appointed directly by the governor pursuant to RCW 43.97.015, the governor shall designate one to serve a term of five years and one to serve a term of six years. All other members shall serve a period of four years.

Neither the governor nor governing body of any of the counties may appoint federal, state, or local elected or appointed officials as members to the Columbia River Gorge commission.

Vacancies shall be filled in accordance with the appointing procedure for the commission member occupying the seat before its vacancy.

[1987 c 499 § 2.]

RCW 43.97.035 Commission members--Compensation--Travel expenses.

Applicable Cases

Members of the Columbia River Gorge commission appointed for Washington shall receive compensation for their services pursuant to RCW 43.03.240, and shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060, and regulations adopted pursuant thereto.

[1987 c 499 § 3.]

Chapter 43.99A RCW
OUTDOOR RECREATIONAL AREAS AND FACILITIES--1967 BOND ACT

43.99A.010	Declaration of purpose.
43.99A.020	General obligation bonds authorized.
43.99A.030	Form of bonds--Rate of interest--Sale and issuance.
43.99A.040	Full faith and credit of state pledged--Call prior to due date--Facsimile signatures.
43.99A.050	Disposition of proceeds of sale.
43.99A.060	Outdoor recreational bond redemption fund of 1967--Created--Use--Sales tax revenues deposited in.
43.99A.070	Proceeds from sale of bonds--Administration--Disposition and use.
43.99A.080	Construction of phrase "acquisition and development of outdoor recreational areas and facilities."
43.99A.090	Legislature may provide additional means for payment of bonds.
43.99A.100	Bonds legal investment for funds of state and municipal corporations.
43.99A.110	Referral to electorate.

Notes:

Outdoor recreational facilities--1963 bond act: Chapter 79A.10 RCW.

RCW 43.99A.010 Declaration of purpose.

Applicable Cases

The state of Washington possesses unsurpassed natural wealth in the form of mountains, forests, and waters, ideal not only for recreation, but for supplying the special kind of spiritual regeneration that only close association with the outdoors can provide. As the state grows in population, this wilderness is increasingly threatened; prompt action is necessary to preserve it before much of it permanently disappears. Further, the physical expansion of our cities and towns has made it imperative that outdoor breathing space be set aside and permanently reserved for the people who live in them. Such breathing space may take the form of "green belts" especially planned to relieve the monotony of miles of uninterrupted urban or suburban development, or it may take the form of traditional parks. In any case, it must be acquired as soon as possible, while land is still available; and where appropriate, this land must be developed in order to meet the recreational needs of growing numbers of potential users.

[1967 ex.s. c 126 § 1.]

RCW 43.99A.020 General obligation bonds authorized.

Applicable Cases

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the projects described in RCW 43.99A.070 and 43.99A.080. These bonds shall be paid and discharged within twenty years of the date of

issuance.

[1970 ex.s. c 40 § 1; 1967 ex.s. c 126 § 2.]

Notes:

Effective, when--1970 ex.s. c 40: "Sections 1 and 2 of this 1970 amendatory act shall not become effective unless this act is adopted and ratified at the referendum election provided for in section 3 of this 1970 amendatory act." [1970 ex.s. c 40 § 4.] "Sections 1 and 2 of this act" consist of the 1970 ex.s. c 40 amendments to RCW 43.99A.020 and 43.99A.030.

Referral to electorate--1970 ex.s. c 40: "In the event all of the bonds authorized by RCW 43.99A.010 through 43.99A.110 have not been issued on or before September 2, 1970, then this act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1970, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution as amended, and the laws adopted to facilitate the operation thereof." [1970 ex.s. c 40 § 3.] "This act" [1970 ex.s. c 40] was adopted and ratified by the people at the November 3, 1970, general election (Referendum Bill No. 21).

RCW 43.99A.030 Form of bonds--Rate of interest--Sale and issuance.

Applicable Cases

The state finance committee is authorized to prescribe the form of the bonds, the maximum rate of interest the same shall bear, the time of sale of all or any portion of them, and the conditions of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

[1970 ex.s. c 40 § 2; 1967 ex.s. c 126 § 3.]

Notes:

Effective, when--Referral to electorate--1970 ex.s. c 40: See notes following RCW 43.99A.020.

RCW 43.99A.040 Full faith and credit of state pledged--Call prior to due date--Facsimile signatures.

Applicable Cases

The bonds shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to their due date under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

[1967 ex.s. c 126 § 4.]

RCW 43.99A.050 Disposition of proceeds of sale.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the outdoor recreation account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of the chapter and for payment of the expense incurred in the issuance and sale of the bonds.

[1967 ex.s. c 126 § 5.]

RCW 43.99A.060 Outdoor recreational bond redemption fund of 1967--Created--Use--Sales tax revenues deposited in.

Applicable Cases

The outdoor recreational bond redemption fund of 1967 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the outdoor recreational bond redemption fund from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

[1971 c 37 § 1; 1967 ex.s. c 126 § 6.]

RCW 43.99A.070 Proceeds from sale of bonds--Administration--Disposition and use.

Applicable Cases

The proceeds from the sale of bonds deposited in the outdoor recreation account of the general fund under the terms of RCW 43.99A.050 shall be administered by the interagency committee for outdoor recreation. All such proceeds shall be divided into two equal shares. One share shall be allocated for the acquisition and development of outdoor recreation areas and facilities on behalf of the state as the legislature may direct by appropriation. The other share shall be allocated to public bodies as defined in *RCW 43.99.020 for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of such public bodies. The interagency committee for outdoor recreation is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this chapter as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this chapter.

[1967 ex.s. c 126 § 7.]

Notes:

*Reviser's note: RCW 43.99.020 was recodified as RCW 79A.25.010 pursuant to 1999 c 249 § 1601.

RCW 43.99A.080 Construction of phrase "acquisition and development of outdoor recreational areas and facilities."

Applicable Cases

As used in this chapter, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed in accordance with the broad interpretation suggested by RCW 43.99A.010. It shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities for either a single recreational use or multiple recreational uses. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under this chapter.

[1967 ex.s. c 126 § 8.]

RCW 43.99A.090 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1967 ex.s. c 126 § 9.]

RCW 43.99A.100 Bonds legal investment for funds of state and municipal corporations.

Applicable Cases

The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations.

[1967 ex.s. c 126 § 10.]

RCW 43.99A.110 Referral to electorate.

Applicable Cases

This chapter shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November 1968, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1967 ex.s. c 126 § 11.]

Notes:

Reviser's note: Chapter 43.99A RCW was adopted and ratified by the people at the November 5, 1968, general election (Referendum Bill No. 18). Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

**Chapter 43.99B RCW
OUTDOOR RECREATIONAL AREAS AND FACILITIES--BOND ISSUES**

Revised Code of Washington, 1999

RCW

1979 BOND ISSUE

- 43.99B.010 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.99B.012 Form, terms, conditions, etc., of bonds.
- 43.99B.014 Proceeds to be deposited in outdoor recreation account.
- 43.99B.016 Administration of proceeds.
- 43.99B.018 Retirement of bonds from outdoor recreational bond redemption fund of 1979--Retirement of bonds from general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.99B.020 Definitions.
- 43.99B.022 Legislature may provide additional means for payment of bonds.
- 43.99B.024 Legal investment for public funds.
- 43.99B.026 Severability--1979 ex.s. c 229.

1981 BOND ISSUE

- 43.99B.028 General obligation bonds--Authorized--Issuance, sale terms--Appropriation required.
- 43.99B.030 Proceeds to be deposited in outdoor recreation account--Use.
- 43.99B.032 Administration of proceeds.
- 43.99B.034 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.
- 43.99B.036 Definitions.
- 43.99B.038 Legislature may provide additional means for payment of bonds.
- 43.99B.040 Legal investment for public funds.
- 43.99B.042 Severability--1981 c 236.

1979 BOND ISSUE

RCW 43.99B.010 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight million nine hundred forty-five thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.010 through 43.99B.026 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance.

[1987 1st ex.s. c 3 § 11; 1979 ex.s. c 229 § 1.]

Notes:

Severability--1987 1st ex.s. c 3: See RCW 43.99G.901.

RCW 43.99B.012 Form, terms, conditions, etc., of bonds.

Applicable Cases

The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds; the time or times of sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption. None of the bonds authorized in RCW 43.99B.010 through 43.99B.026 may be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of the bonds and notes, if any. The bonds shall be payable at such places as the committee may provide.

[1979 ex.s. c 229 § 2.]

RCW 43.99B.014 Proceeds to be deposited in outdoor recreation account.

Applicable Cases

The proceeds from the sale of the bonds authorized by RCW 43.99B.010 through 43.99B.026 shall be deposited in the outdoor recreation account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.99B.010 through 43.99B.026 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 229 § 3.]

RCW 43.99B.016 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the outdoor recreation account of the general fund shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation, and allocated to any agency or department of the state of Washington and, as grants, to public bodies for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of the agencies, departments, or public bodies. The interagency committee for outdoor recreation may use or permit the use of any funds derived from the sale of the bonds authorized under RCW 43.99B.010 through 43.99B.026 as matching funds in any case where federal, local, or other funds are made available on a matching basis for projects within the purposes of RCW 43.99B.010 through 43.99B.026.

[1979 ex.s. c 229 § 4.]

RCW 43.99B.018 Retirement of bonds from outdoor recreational bond redemption fund of 1979--Retirement of bonds from general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The outdoor recreational bond redemption fund of 1979 is hereby created in the state treasury, which fund shall be used for the payment of the principal of and interest on the bonds authorized by RCW 43.99B.010 through 43.99B.026. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing

twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the outdoor recreational bond redemption fund of 1979 an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess. and becomes effective by statute prior to the issuance of any of the bonds authorized by RCW 43.99B.010 through 43.99B.026, the state general obligation bond retirement fund shall be used for purposes of RCW 43.99B.010 through 43.99B.026 in lieu of the outdoor recreational bond redemption fund of 1979, and the outdoor recreational bond redemption fund of 1979 shall cease to exist.

Bonds issued under RCW 43.99B.010 through 43.99B.026 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1979 ex.s. c 229 § 5.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99B.020 Definitions.

Applicable Cases

As used in RCW 43.99B.010 through 43.99B.026, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed and shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land, and the development of outdoor areas and facilities. Swimming pools constructed with proceeds from these bonds may be enclosed at the sponsor's expense. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under RCW 43.99B.010 through 43.99B.026.

As used in RCW 43.99B.010 through 43.99B.026, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington and those Indian tribes now or hereafter recognized as Indian tribes by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants from the state of Washington.

[1979 ex.s. c 229 § 6.]

RCW 43.99B.022 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the

principal of and interest on the bonds authorized in RCW 43.99B.010 through 43.99B.026, and RCW 43.99B.010 through 43.99B.026 shall not be deemed to provide an exclusive method for the payment.

[1979 ex.s. c 229 § 7.]

RCW 43.99B.024 Legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.99B.010 through 43.99B.026 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1979 ex.s. c 229 § 8.]

RCW 43.99B.026 Severability--1979 ex.s. c 229.

Applicable Cases

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

[1979 ex.s. c 229 § 9.]

1981 BOND ISSUE

RCW 43.99B.028 General obligation bonds--Authorized--Issuance, sale terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirteen million four hundred thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.028 through 43.99B.040 may be offered for sale without prior legislative appropriation.

[1981 c 236 § 1.]

RCW 43.99B.030 Proceeds to be deposited in outdoor recreation account--Use.

Applicable Cases

The proceeds from the sale of the bonds authorized by RCW 43.99B.028 through 43.99B.040 shall be deposited in the outdoor recreation account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.99B.028 through 43.99B.040 and for the payment of expenses incurred in the issuance and sale of the bonds.

[1981 c 236 § 2.]

RCW 43.99B.032 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the outdoor recreation account of the general fund shall be allocated to the interagency committee for outdoor recreation as grants to public bodies for the acquisition and development of outdoor recreational areas and facilities within the jurisdiction of the agencies, departments, or public bodies or to any agency or department of the state of Washington, subject to legislative appropriation. The interagency committee for outdoor recreation may use or permit the use of any funds derived from the sale of the bonds authorized under RCW 43.99B.028 through 43.99B.040 as matching funds in any case where federal, local, or other funds are made available on a matching basis for projects within the purposes of RCW 43.99B.028 through 43.99B.040.

[1981 c 236 § 3.]

RCW 43.99B.034 Retirement of bonds from state general obligation bond retirement fund--Pledge and promise--Remedies of bondholders.

Applicable Cases

The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized by RCW 43.99B.028 through 43.99B.040.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.99B.028 through 43.99B.040 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1981 c 236 § 4.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99B.036 Definitions.

Applicable Cases

As used in RCW 43.99B.028 through 43.99B.040, the phrase "acquisition and development of outdoor recreational areas and facilities" shall be liberally construed and shall include, but shall not be limited to, acquisition of fee simple or any lesser interests in land and the development of outdoor areas and facilities. Swimming pools constructed with proceeds from

these bonds may be enclosed at the sponsor's expense. The preservation of land or water areas in an unspoiled or undeveloped state shall be among the alternatives permissible under RCW 43.99B.028 through 43.99B.040.

As used in RCW 43.99B.028 through 43.99B.040, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington and those Indian tribes now or hereafter recognized as Indian tribes by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants from the state of Washington.

[1981 c 236 § 5.]

RCW 43.99B.038 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99B.028 through 43.99B.040, and RCW 43.99B.028 through 43.99B.040 shall not be deemed to provide an exclusive method for the payment.

[1981 c 236 § 6.]

RCW 43.99B.040 Legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.99B.028 through 43.99B.038 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1981 c 236 § 7.]

RCW 43.99B.042 Severability--1981 c 236.

Applicable Cases

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

[1981 c 236 § 8.]

**Chapter 43.99C RCW
HANDICAPPED FACILITIES BOND ISSUE**

RCW

- 43.99C.010 Declaration.
- 43.99C.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
- 43.99C.020 Definitions.
- 43.99C.025 Bond anticipation notes--Payment.
- 43.99C.030 Form, terms, conditions, etc., of bonds and notes.
- 43.99C.035 Pledge and promise.

- 43.99C.045 Administration of proceeds--Distribution--Transfer of fixed assets.
43.99C.047 Prohibition of expenditures not submitted in budget document or schedule--Capital appropriation--Exception--Contents.
43.99C.050 Retirement of bonds and notes from 1979 handicapped facilities bond redemption fund--Retirement of bonds and notes from state general obligation bond retirement fund.
43.99C.055 Legislature may provide additional means for payment of bonds.
43.99C.060 Bonds legal investment for public funds.

RCW 43.99C.010 Declaration.

Applicable Cases

The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps will provide the improved and convenient services needed for an efficient work force and a healthy and secure people.

[1979 ex.s. c 221 § 1.]

Notes:

Severability--1979 ex.s. c 221: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 221 § 13.]

Referral to electorate--1979 ex.s. c 221: "This act shall be submitted to the people for their adoption and ratification, or rejection, at a special election hereby ordered by the legislature, which election shall be held in conjunction with the next succeeding general election to be held in this state, all in accordance with the provisions of Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof." [1979 ex.s. c 221 § 14.]

Reviser's note: "This act," chapter 43.99C RCW (1979 ex.s. c 221), was adopted and ratified by the people at the November 6, 1979, general election (Referendum Bill No. 37). State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

RCW 43.99C.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of financing the planning, acquisition, construction, renovation, improvement, and equipping of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps, the state finance committee is authorized to issue and sell general obligation bonds of the state of Washington in the sum of twenty-five million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds or bond anticipation notes authorized by this chapter shall be offered for sale without prior legislative appropriation and the bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

[1979 ex.s. c 221 § 2.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.020 Definitions.

Applicable Cases

As used in this chapter, the term "facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps" means real property and any interest therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances thereto, developed and owned by any public body within the state for purposes of the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps when used in the following limited programs as designated by the department of social and health services: nonprofit group training homes, community centers, close to home living units, sheltered workshops, vocational rehabilitation centers, developmental disability training centers, and community homes for the mentally ill.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof.

[1979 ex.s. c 221 § 3.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.025 Bond anticipation notes--Payment.

Applicable Cases

When the state finance committee has determined to issue the general obligation bonds, or a portion thereof, it may, pending the issuance of the bonds, issue in the name of the state temporary notes in anticipation of the bonds, which notes shall be designated as "bond anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are issued.

[1979 ex.s. c 221 § 4.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.030 Form, terms, conditions, etc., of bonds and notes.

Applicable Cases

The state finance committee is authorized to determine the amounts, dates, form, terms, conditions, denominations, interest rates, maturities, rights and manner of redemption prior to maturity, registration privileges, place(s) of payment, and covenants of the bonds and the bond anticipation notes; the time or times of sale of all or any portion of them; and the conditions and manner of their sale, issuance, and redemption.

[1979 ex.s. c 221 § 5.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.035 Pledge and promise.

Applicable Cases

Each bond and bond anticipation note shall state that it is a general obligation of the state of Washington, shall contain a pledge of the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain the state's unconditional promise to pay the principal and interest as the same shall become due.

[1979 ex.s. c 221 § 6.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.045 Administration of proceeds--Distribution--Transfer of fixed assets.

Applicable Cases

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each county with a population of less than twelve thousand shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

[1991 c 363 § 121; 1989 c 265 § 1; 1980 c 136 § 1; 1979 ex.s. c 221 § 8.]

Notes:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Appropriation--1980 c 136: "There is hereby appropriated to the department of social and health services from the 1979 handicapped facilities construction account in the general fund the sum of twenty-five million dollars for the purposes of chapter 43.99C RCW. This appropriation shall be limited by the conditions contained in section 2 of this act." [1980 c 136 § 3.] Section 2 of this act consists of the enactment of RCW 43.99C.047.

Severability--1980 c 136: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 136 § 4.]

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.047 Prohibition of expenditures not submitted in budget document or schedule--Capital appropriation--Exception--Contents.

Applicable Cases

(1) No expenditure of funds shall be allowed for facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps which have not been submitted to the legislature in a budget document or schedule as specified in RCW 43.88.030(3), and have been approved through a capital appropriation; except that, the fiscal committees of the legislature may approve such facilities which have been, not later than December 1, 1980, verified by the department of social and health services as meeting the assessed need of a county and being ready to proceed.

(2) In order to assure compliance with RCW 43.99C.045, such document or schedule shall indicate the population of each county, all requests submitted from each county for participation in the distribution of the bond proceeds, the requests which are proposed to be accepted, and the basis for acceptance.

[1980 c 136 § 2.]

Notes:

Appropriation--Severability--1980 c 136: See notes following RCW 43.99C.045.

RCW 43.99C.050 Retirement of bonds and notes from 1979 handicapped facilities bond redemption fund--Retirement of bonds and notes from state general obligation bond retirement fund.

Applicable Cases

The 1979 handicapped facilities bond redemption fund, hereby created in the state treasury, shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30 of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw

from any general state revenue received in the state treasury and deposit in the 1979 handicapped facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 handicapped facilities bond redemption fund, and the 1979 handicapped facilities bond redemption fund shall cease to exist.

[1979 ex.s. c 221 § 9.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.
State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99C.055 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and the interest on the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for the payment.

[1979 ex.s. c 221 § 10.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

RCW 43.99C.060 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 221 § 11.]

Notes:

Severability--Referral to electorate--1979 ex.s. c 221: See notes following RCW 43.99C.010.

**Chapter 43.99D RCW
WATER SUPPLY FACILITIES--1979 BOND ISSUE**

RCW

43.99D.005	Transfer of duties to the department of health.
43.99D.010	Declaration.
43.99D.015	General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
43.99D.020	Proceeds to be deposited in state and local improvements revolving account--Water supply facilities.
43.99D.025	Administration of proceeds--Use of funds.
43.99D.030	Definitions.

- 43.99D.035 Form, terms, conditions, etc., of bonds.
- 43.99D.040 Anticipation notes--Payment--Pledge and promise--Seal.
- 43.99D.045 Retirement of bonds from 1979 water supply facilities bond redemption fund--Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.
- 43.99D.050 Legislature may provide additional means for payment of bonds.
- 43.99D.055 Bonds legal investment for public funds.
- 43.99D.900 Severability--1979 ex.s. c 258.

RCW 43.99D.005 Transfer of duties to the department of health.

Applicable Cases

The powers and duties of the department of social and health services under this chapter shall be performed by the department of health.

[1989 1st ex.s. c 9 § 241.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.99D.010 Declaration.

Applicable Cases

The development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment, including the furnishing of an adequate supply of water for domestic and industrial purposes.

[1979 ex.s. c 258 § 1.]

RCW 43.99D.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ten million dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

[1979 ex.s. c 258 § 2.]

RCW 43.99D.020 Proceeds to be deposited in state and local improvements revolving account--Water supply facilities.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter, and any interest earned on the interim investment of the proceeds, shall be deposited in the state and local improvements revolving account--water supply facilities in the general fund and shall be used exclusively for

the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 258 § 3.]

RCW 43.99D.025 Administration of proceeds--Use of funds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account--water supply facilities of the general fund under the terms of this chapter shall be administered by the state department of health subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1991 c 3 § 301; 1979 ex.s. c 258 § 4.]

RCW 43.99D.030 Definitions.

Applicable Cases

As used in this chapter, the term "water supply facilities" means municipal and industrial water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal and industrial water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

[1979 ex.s. c 258 § 5.]

RCW 43.99D.035 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee shall prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized by this chapter shall be sold for less than their par value.

[1979 ex.s. c 258 § 6.]

RCW 43.99D.040 Anticipation notes--Payment--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue such bonds or a portion thereof, it

may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1979 ex.s. c 258 § 7.]

RCW 43.99D.045 Retirement of bonds from 1979 water supply facilities bond redemption fund--Retirement of bonds from state general obligation bond retirement fund--Remedies of bondholders.

Applicable Cases

The 1979 water supply facilities bond redemption fund is created in the state treasury. This fund shall be used for the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1979 water supply facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

If a state general obligation bond retirement fund is created in the state treasury by chapter 230, Laws of 1979 1st ex. sess., and becomes effective by statute prior to the issuance of any of the bonds authorized by this chapter, the state general obligation bond retirement fund shall be used for purposes of this chapter in lieu of the 1979 water supply facilities bond redemption fund, and the water supply facilities bond redemption fund shall cease to exist.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1979 ex.s. c 258 § 8.]

Notes:

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99D.050 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1979 ex.s. c 258 § 9.]

RCW 43.99D.055 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized by this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1979 ex.s. c 258 § 10.]

RCW 43.99D.900 Severability--1979 ex.s. c 258.

Applicable Cases

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

[1979 ex.s. c 258 § 13.]

**Chapter 43.99E RCW
WATER SUPPLY FACILITIES--1980 BOND ISSUE**

RCW

43.99E.005	Transfer of duties to the department of health.
43.99E.010	Declaration.
43.99E.015	General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
43.99E.020	Deposit of proceeds in state and local improvements revolving account--Water supply facilities--Use.
43.99E.025	Administration of proceeds.
43.99E.030	Definitions.
43.99E.035	Form, terms, conditions, etc., of bonds.
43.99E.040	Anticipation notes--Payment--Pledge and promise--Seal.
43.99E.045	Retirement of bonds from public water supply facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account.
43.99E.050	Legislature may provide additional means for payment of bonds.
43.99E.055	Bonds legal investment for public funds.
43.99E.900	Severability--1979 ex.s. c 234.

RCW 43.99E.005 Transfer of duties to the department of health.

Applicable Cases

The powers and duties of the department of social and health services under this chapter shall be performed by the department of health.

[1989 1st ex.s. c 9 § 242.]

Notes:

Effective date--Severability--1989 1st ex.s. c 9: See RCW 43.70.910 and 43.70.920.

RCW 43.99E.010 Declaration.

Applicable Cases

The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, agricultural, municipal, fishery, recreational, and other beneficial uses.

[1979 ex.s. c 234 § 1.]

Notes:

Referral to electorate--1979 ex.s. c 234: "This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with Article VIII, section 3 of the state Constitution, in accordance with Article II, section 1 of the state Constitution, and the laws adopted to facilitate the operation thereof." [1979 ex.s. c 234 § 12.]

Reviser's note: "This act," chapter 43.99E RCW (1979 ex.s. c 234), was adopted and ratified by the people at the November 4, 1980, general election (Referendum Bill No. 38). State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

RCW 43.99E.015 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of sixty-five million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. No bonds authorized by this chapter may be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

[1990 1st ex.s. c 15 § 8. Prior: 1989 1st ex.s. c 14 § 11; 1989 c 136 § 4; 1979 ex.s. c 234 § 2.]

Notes:

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

Intent--1989 c 136: See note following RCW 43.83A.020.

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.020 Deposit of proceeds in state and local improvements revolving account--Water supply facilities--Use.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account--water supply facilities hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for

payment of the expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 234 § 3.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.025 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account--water supply facilities of the general fund under the terms of this chapter shall be divided into two shares as follows:

(1) Seventy-five million dollars, or so much thereof as may be required, shall be used for domestic, municipal, and industrial water supply facilities; and

(2) Fifty million dollars, or so much thereof as may be required, shall be used for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water.

The share of seventy-five million dollars shall be administered by the department of health and the share of fifty million dollars shall be administered by the department of ecology, subject to legislative appropriation. The administering departments may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for the issuance of the bonds by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this chapter.

[1991 c 3 § 302; 1979 ex.s. c 234 § 4.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.030 Definitions.

Applicable Cases

As used in this chapter, the term "water supply facilities" means domestic, municipal, industrial, and agricultural (and any associated fishery, recreational, or other beneficial use) water supply or distribution systems including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; a board of joint control; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

[1996 c 320 § 21; 1979 ex.s. c 234 § 5.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.035 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee is authorized to prescribe the forms, terms, conditions, and covenants of the bonds; the time or times of sale of all or any portion of them; and the conditions and manner of their sale and issuance.

[1989 c 136 § 5; 1979 ex.s. c 234 § 6.]

Notes:

Intent--1989 c 136: See note following RCW 43.83A.020.

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.040 Anticipation notes--Payment--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue the bonds, or a portion of the bonds, it may, pending the issuance of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". The portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1979 ex.s. c 234 § 7.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.045 Retirement of bonds from public water supply facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account.

Applicable Cases

The public water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the public water supply facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate

proceeding require the transfer and payment of funds as directed in this section.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the public water supply facilities bond redemption fund.

[1997 c 456 § 13; 1979 ex.s. c 234 § 8.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

State general obligation bond retirement fund: RCW 43.83.160.

RCW 43.99E.050 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be considered to provide an exclusive method for the payment.

[1979 ex.s. c 234 § 9.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.055 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1979 ex.s. c 234 § 10.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

RCW 43.99E.900 Severability--1979 ex.s. c 234.

Applicable Cases

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

[1979 ex.s. c 234 § 11.]

Notes:

Referral to electorate--1979 ex.s. c 234: See note following RCW 43.99E.010.

Chapter 43.99F RCW

WASTE DISPOSAL FACILITIES--1980 BOND ISSUE

RCW	
43.99F.010	Declaration.
43.99F.020	General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.
43.99F.030	Deposit of proceeds in state and local improvements revolving account, Waste Disposal Facilities, 1980--Use.
43.99F.040	Administration of proceeds.
43.99F.050	Definitions.
43.99F.060	Form, terms, conditions, etc., of bonds.
43.99F.070	Anticipation notes--Payment--Pledge and promise--Seal.
43.99F.080	Retirement of bonds from waste disposal facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account.
43.99F.090	Legislature may provide additional means for payment of bonds.
43.99F.100	Bonds legal investment for public funds.
43.99F.110	Referral to electorate.

RCW 43.99F.010 Declaration.

Applicable Cases

The long-range development goals for the state of Washington must include the protection of the resources and environment of the state, the health and safety of its people, and the beneficial uses of water by providing facilities and systems, among others, for the general control, collection, treatment, or disposal of nonradioactive solid and nonradioactive liquid waste materials. The purpose of this chapter is to assist the state and local governments in providing that protection but it is not the purpose of this chapter to provide funding for facilities which encourage development. A high priority in the expenditure of these funds shall be the protection of sole-source aquifers designated pursuant to the federal Safe Drinking Water Act (88 Stat. 1660) which aquifers have been designated as of July 24, 1983.

[1983 c 269 § 1; 1980 c 159 § 1.]

RCW 43.99F.020 General obligation bonds--Authorized--Issuance, sale, terms--Appropriation required.

Applicable Cases

For the purpose of providing funds to public bodies for the planning, design, acquisition, construction, and improvement of public waste disposal and management facilities, or for purposes of assisting a public body to obtain an ownership interest in waste disposal and management facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred thirty million dollars, or so much thereof as may be required, to finance the improvements defined in this chapter and all costs incidental thereto. The department may not use or permit the use of any funds derived from the sale of bonds authorized by this chapter for: (1) the support of a solid waste recycling activity or service in a locale if the department determines that the activity or service is reasonably available to persons within that

locale from private enterprise; or (2) the construction of municipal wastewater facilities unless said facilities have been approved by a general purpose unit of local government in accordance with chapter 36.94 RCW, chapter 35.67 RCW, or RCW 57.16.010. These bonds shall be paid and discharged within thirty years of the date of issuance. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation of the proceeds of the bonds to be sold.

[1996 c 230 § 1611; 1990 1st ex.s. c 15 § 9. Prior: 1989 1st ex.s. c 14 § 12; 1989 c 136 § 6; 1987 c 436 § 2; 1980 c 159 § 2.]

Notes:

Part headings not law--Effective date--1996 c 230: See notes following RCW 57.02.001.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

Intent--1989 c 136: See note following RCW 43.83A.020.

RCW 43.99F.030 Deposit of proceeds in state and local improvements revolving account, Waste Disposal Facilities, 1980--Use.

Applicable Cases

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1991 sp.s. c 13 § 44; 1985 c 57 § 56; 1980 c 159 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.99F.040 Administration of proceeds.

Applicable Cases

The proceeds from the sale of the bonds deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 of the general fund under the terms of this chapter shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this chapter to accomplish the purpose for which the bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as cost-sharing funds in any case where federal, local, or other funds are made available on a cost-sharing basis for improvements within the purposes of this chapter. The department shall ensure that funds derived from the sale of bonds authorized under this chapter do not constitute more than seventy-five percent of the total cost of any waste disposal or management facility. Not more than two percent of the proceeds of the bond issue may be used by the department of ecology in relation to the administration of the expenditures, grants, and loans.

At least one hundred fifty million dollars of the proceeds of the bonds authorized by this

chapter shall be used exclusively for waste management systems capable of producing renewable energy or energy savings as a result of the management of the wastes. "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, or fuel through the use of wastes by incineration, refuse-derived fuel processes, pyrolysis, hydrolysis, or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the department may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

Funds provided for waste disposal and management facilities under this chapter may be used for payments to a service provider under a service agreement pursuant to RCW 70.150.060. If funds are to be used for such payments, the department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that facility were owned or operated by a public body. Payments under this chapter for waste disposal and management facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts paid to public bodies not entering into service agreements.

[1998 c 245 § 80; 1996 c 37 § 1; 1987 c 436 § 3; 1980 c 159 § 4.]

RCW 43.99F.050 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Waste disposal and management facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, recycling, or recovery of nonradioactive liquid wastes or nonradioactive solid wastes, or a combination thereof, including but not limited to, sanitary sewage, storm water, residential, industrial, commercial, and agricultural wastes, and concentrations of organic sediments waste, inorganic nutrients, and toxic materials which are causing environmental degradation and loss of the beneficial use of the environment, and material segregated into recyclables and nonrecyclables. Waste disposal and management facilities may include all equipment, utilities, structures, real property, and interest in and improvements on real property necessary for or incidental to such purpose. As used in this chapter, the phrase "waste disposal and management facilities" shall not include the acquisition of equipment used to collect residential or commercial garbage.

(2) "Public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government.

(3) "Control" means those measures necessary to maintain and/or restore the beneficial

uses of polluted land and water resources including, but not limited to, the diversion, sedimentation, flocculation, dredge and disposal, or containment or treatment of nutrients, organic waste, and toxic material to restore the beneficial use of the state's land and water resources and prevent the continued pollution of these resources.

(4) "Planning" means the development of comprehensive plans for the purpose of identifying state-wide or regional needs for specific waste disposal facilities as well as the development of plans specific to a particular project.

(5) "Department" means the department of ecology.

[1987 c 436 § 4; 1980 c 159 § 5.]

RCW 43.99F.060 Form, terms, conditions, etc., of bonds.

Applicable Cases

The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

[1989 c 136 § 7; 1980 c 159 § 6.]

Notes:

Intent--1989 c 136: See note following RCW 43.83A.020.

RCW 43.99F.070 Anticipation notes--Payment--Pledge and promise--Seal.

Applicable Cases

When the state finance committee has decided to issue the bonds, or a portion thereof, it may, pending the issuing of the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of the bonds as may be required for this purpose shall be applied to the payment of the principal of and interest on any of these anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

[1980 c 159 § 7.]

RCW 43.99F.080 Retirement of bonds from waste disposal facilities bond redemption fund--Remedies of bondholders--Debt-limit general fund bond retirement account.

Applicable Cases

The waste disposal facilities bond redemption fund shall be used for the purpose of the payment of the principal of and redemption premium, if any, and interest on the bonds and the bond anticipation notes authorized to be issued under this chapter.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and interest coming due on the bonds. Not less than thirty days prior to the date on

which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the waste disposal facilities bond redemption fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this chapter.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the waste disposal facilities bond redemption fund.

[1997 c 456 § 14; 1980 c 159 § 8.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99F.090 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized in this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment.

[1980 c 159 § 9.]

RCW 43.99F.100 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1980 c 159 § 10.]

RCW 43.99F.110 Referral to electorate.

Applicable Cases

This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1980, in accordance with the provisions of Article VIII, section 3, of the Constitution of the state of Washington, and in accordance with the provisions of Article II, section 1, of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

[1980 c 159 § 12.]

Notes:

Reviser's note: "This act," chapter 43.99F RCW, was adopted and ratified by the people at the November 4, 1980, general election (Referendum Bill No. 39). State Constitution Art. 2 § 1(d) provides: ". . . Such measure

[initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved"

Chapter 43.99G RCW
BONDS FOR CAPITAL PROJECTS 1985 BOND ISSUE

- 43.99G.010 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.
- 43.99G.020 Conditions and limitations--Deposit of proceeds--Administration.
- 43.99G.030 Retirement of bonds from debt-limit general fund bond retirement account.
- 43.99G.040 Retirement of bonds from nondebt-limit reimbursable bond retirement account.
- 43.99G.050 Retirement of bonds from debt-limit general fund bond retirement account.
- 43.99G.060 Pledge and promise--Remedies of bondholders.
- 43.99G.070 Institutions of higher education--Apportionment of principal and interest payments--Transfer of moneys to general fund.
- 43.99G.080 Legislature may provide additional means for payment of bonds.
- 43.99G.090 Bonds legal investment for public funds.

1987 BOND ISSUE

- 43.99G.100 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.
- 43.99G.102 Conditions and limitations--Deposit of proceeds--Administration.
- 43.99G.104 Retirement of bonds from debt-limit general fund bond retirement account.
- 43.99G.108 Pledge and promise--Remedies of bondholders.
- 43.99G.112 Legislature may provide additional means for payment of bonds.
- 43.99G.114 Bonds legal investment for public funds.

CONSTRUCTION

- 43.99G.900 Severability--1985 ex.s. c 4.
- 43.99G.901 Severability--1987 1st ex.s. c 3.

1985 BOND ISSUE

RCW 43.99G.010 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.

Applicable Cases

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two hundred eighty-five million eight hundred fifty-one thousand dollars, or so much thereof as may be required, to finance the projects authorized in RCW 43.99G.020 and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute

a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1985 ex.s. c 4 § 1.]

RCW 43.99G.020 Conditions and limitations--Deposit of proceeds--Administration.

Applicable Cases

Bonds issued under RCW 43.99G.010 are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of thirty-eight million fifty-four thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for grants and loans to local governments and subdivisions of the state for capital projects through the community economic revitalization board and for the department of general administration, military department, parks and recreation commission, and department of corrections to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of general administration, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of four million six hundred thirty-five thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of a Washington state agricultural trade center, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered as provided in the capital budget acts, subject to legislative appropriation.

(3) General obligation bonds of the state of Washington in the sum of twenty-five million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of social and health services and the department of corrections to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, and grounds, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the social and health services construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of social and health services, subject to legislative appropriation.

(4) General obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the *department of fisheries to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the fisheries capital projects account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of fisheries, subject to legislative appropriation.

(5) General obligation bonds of the state of Washington in the sum of fifty-three million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for state agencies and the institutions of higher education, including the community colleges, to perform capital renewal projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state facilities renewal account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered as provided in the capital budget acts, subject to legislative appropriation.

(6) General obligation bonds of the state of Washington in the sum of twenty-two million

dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the University of Washington and the state community colleges to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, improving, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education reimbursable short-term bond account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the University of Washington, subject to legislative appropriation.

(7) General obligation bonds of the state of Washington in the sum of twenty-eight million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

(8) General obligation bonds of the state of Washington in the sum of seventy-five million dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education, including facilities for the community college system, to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the state treasury and shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection.

[1989 1st ex.s. c 14 § 13; 1988 c 36 § 22; 1986 c 103 § 1; 1985 ex.s. c 4 § 2.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of fisheries and the department of wildlife were transferred to the department of fish and wildlife by 1993 sp.s. c 2, effective July 1, 1994.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.030 Retirement of bonds from debt-limit general fund bond retirement account.

Applicable Cases

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99G.020 (1) through (6) shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 15; 1989 1st ex.s. c 14 § 19; 1985 ex.s. c 4 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.040 Retirement of bonds from nondebt-limit reimbursable bond retirement account.

Applicable Cases

Both principal of and interest on the bonds issued for the purposes of RCW 43.99G.020(7) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 16; 1989 1st ex.s. c 14 § 20; 1985 ex.s. c 4 § 4.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.050 Retirement of bonds from debt-limit general fund bond retirement account.

Applicable Cases

Both principal of and interest on the bonds issued for the purposes of RCW 43.99G.020(8) shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 17; 1989 1st ex.s. c 14 § 21; 1985 ex.s. c 4 § 5.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.060 Pledge and promise--Remedies of bondholders.

Applicable Cases

Bonds issued under RCW 43.99G.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1985 ex.s. c 4 § 6.]

RCW 43.99G.070 Institutions of higher education--Apportionment of principal and interest payments--Transfer of moneys to general fund.

Applicable Cases

On or before June 30th of each year and in accordance with the provisions of the bond proceedings the state finance committee shall determine the relative shares of the principal and interest payments determined pursuant to RCW 43.99G.040, exclusive of deposit interest credit, attributable to each of the institutions of higher education in proportion to the principal amount of bonds issued for the purposes of RCW 43.99G.020(7) for projects for each institution. On each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of each institution of higher education shall cause the amount so computed to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

[1989 1st ex.s. c 14 § 22; 1985 ex.s. c 4 § 7.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.080 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99G.010, and RCW 43.99G.030 through 43.99G.050 shall not be deemed to provide an exclusive method for the payment.

[1985 ex.s. c 4 § 8.]

RCW 43.99G.090 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.99G.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1985 ex.s. c 4 § 9.]

1987 BOND ISSUE

RCW 43.99G.100 General obligation bonds authorized--Terms--Appropriation required--Short-term obligations.

Applicable Cases

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of four hundred twelve million three hundred thousand dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1987 1st ex.s. c 3 § 1.]

RCW 43.99G.102 Conditions and limitations--Deposit of proceeds--Administration.

Applicable Cases

Bonds issued under RCW 43.99G.100 are subject to the following conditions and

limitations:

General obligation bonds of the state of Washington in the sum of four hundred four million four hundred thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1987-1989 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited as follows:

One hundred forty million five hundred thousand dollars in the state building construction account created in RCW 43.83.020.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the office of financial management, subject to legislative appropriation.

[1989 1st ex.s. c 14 § 14; 1987 1st ex.s. c 3 § 2.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.104 Retirement of bonds from debt-limit general fund bond retirement account.

Applicable Cases

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99G.102 shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on such bonds in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 18; 1989 1st ex.s. c 14 § 23; 1987 1st ex.s. c 3 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.108 Pledge and promise--Remedies of bondholders.

Applicable Cases

Bonds issued under RCW 43.99G.100 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the

principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1987 1st ex.s. c 3 § 5.]

RCW 43.99G.112 Legislature may provide additional means for payment of bonds.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99G.100 and 43.99G.104 shall not be deemed to provide an exclusive method for the payment.

[1989 1st ex.s. c 14 § 24; 1987 1st ex.s. c 3 § 7.]

Notes:

Severability--Effective dates--1989 1st ex.s. c 14: See RCW 43.99H.900 and 43.99H.901.

RCW 43.99G.114 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 43.99G.100 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1987 1st ex.s. c 3 § 8.]

CONSTRUCTION

RCW 43.99G.900 Severability--1985 ex.s. c 4.

Applicable Cases

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

[1985 ex.s. c 4 § 16.]

RCW 43.99G.901 Severability--1987 1st ex.s. c 3.

Applicable Cases

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

[1987 1st ex.s. c 3 § 13.]

Chapter 43.99H RCW

FINANCING FOR APPROPRIATIONS--1989-1991 BIENNIUM

RCW

43.99H.010	1989-1991 Fiscal biennium--General obligation bonds for capital and operating appropriations act.
43.99H.020	Conditions and limitations.
43.99H.030	Retirement of bonds.
43.99H.040	Retirement of bonds.
43.99H.050	Pledge and promise--Remedies.
43.99H.060	Reimbursement of general fund.
43.99H.070	East capitol campus construction account--Additional means of reimbursement.
43.99H.080	1989-1991 Fiscal biennium general obligation bonds for capital and operating appropriations act--Additional means for payment of principal and interest.
43.99H.090	1989-1991 Fiscal biennium general obligation bonds for capital and operating appropriations act--Legal investment.
43.99H.900	Severability--1989 1st ex.s. c 14.
43.99H.901	Effective dates--1989 1st ex.s. c 14.

RCW 43.99H.010 1989-1991 Fiscal biennium--General obligation bonds for capital and operating appropriations act.

Applicable Cases

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion four hundred four million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1989-1991 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto, and to provide for reimbursement of bond-funded accounts from the 1987-1989 fiscal biennium.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1990 1st ex.s. c 15 § 1; 1989 1st ex.s. c 14 § 1.]

Notes:

Severability--1990 1st ex.s. c 15: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or

circumstances is not affected." [1990 1st ex.s. c 15 § 14.]

RCW 43.99H.020 Conditions and limitations.

Applicable Cases

Bonds issued under RCW 43.99H.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion four hundred four million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1989-91 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects, and to provide for reimbursement of bond-funded accounts from the 1987-89 fiscal biennium. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Thirty million dollars to the state and local improvements revolving account--waste disposal facilities, created by RCW 43.83A.030, to be used for the purposes described in RCW 43.83A.020;

(2) Five million three hundred thousand dollars to the salmon enhancement construction account created by *RCW 75.48.030;

(3) One hundred twenty million dollars to the state and local improvements revolving account--waste disposal facilities, 1980 created by RCW 43.99F.030, to be used for the purposes described in RCW 43.99F.020;

(4) Forty million dollars to the common school construction fund as referenced in RCW 28A.515.320.

(5) Three million two hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(6) Eight hundred five million dollars to the state building construction account created by RCW 43.83.020;

(7) Nine hundred fifty thousand dollars to the higher education reimbursable short-term bond account created by RCW 43.99G.020(6);

(8) Twenty-nine million seven hundred thirty thousand dollars to the outdoor recreation account created by **RCW 43.99.060;

(9) Sixty million dollars to the state and local improvements revolving account--water supply facilities, created by RCW 43.99E.020 to be used for the purposes described in chapter 43.99E RCW;

(10) Four million three hundred thousand dollars to the state social and health services construction account created by RCW 43.83H.030;

(11) Two hundred fifty thousand dollars to the fisheries capital projects account created by RCW 43.83I.040;

(12) Four million nine hundred thousand dollars to the state facilities renewal account created by RCW 43.99G.020(5);

(13) Two million three hundred thousand dollars to the essential rail assistance account created by ***RCW 47.76.030;

(14) One million one hundred thousand dollars to the essential rail bank account hereby created in the state treasury;

(15) Seventy-three million dollars to the east capitol campus construction account hereby created in the state treasury;

(16) Eight million dollars to the higher education construction account created in RCW 28B.14D.040;

(17) Sixty-three million two hundred thousand dollars to the labor and industries construction account hereby created in the state treasury;

(18) Seventy-five million dollars to the higher education construction account created by RCW 28B.14D.040;

(19) Twenty-six million five hundred fifty thousand dollars to the habitat conservation account hereby created in the state treasury; and

(20) Eight million dollars to the public safety reimbursable bond account hereby created in the state treasury.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

Bonds authorized for the purposes of subsection (17) of this section shall be issued only after the director of the department of labor and industries has certified, based on reasonable estimates, that sufficient revenues will be available from the accident fund created in RCW 51.44.010 and the medical aid fund created in RCW 51.44.020 to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

Bonds authorized for the purposes of subsection (18) of this section shall be issued only after the board of regents of the University of Washington has certified, based on reasonable estimates, that sufficient revenues will be available from nonappropriated local funds to meet the requirements of RCW 43.99H.060(4) during the life of the bonds.

[1990 1st ex.s. c 15 § 2; 1990 c 33 § 582; 1989 1st ex.s. c 14 § 2.]

Notes:

Reviser's note: (1) This section was amended by 1990 c 33 § 582 and by 1990 1st ex.s. c 15 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

*(2) RCW 75.48.030 was repealed by 1991 sp.s. c 13 § 122, effective July 1, 1991.

***(3) RCW 43.99.060 was recodified as RCW 79A.25.060 pursuant to 1999 c 249 § 1601.

****(4) RCW 47.76.030 was recodified as RCW 47.76.250 pursuant to 1993 c 224 § 15.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 43.99H.030 Retirement of bonds.

Applicable Cases

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99H.020 (1) through (3), (5) through (14), and (19) shall be payable from the debt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 19; 1991 sp.s. c 31 § 13; 1990 1st ex.s. c 15 § 4; 1989 1st ex.s. c 14 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--1991 sp.s. c 31: See RCW 43.99I.900.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.040 Retirement of bonds.

Applicable Cases

(1) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(16) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

(2) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(15) shall be payable from the debt-limit reimbursable bond retirement account and nondebt-limit reimbursable bond retirement account as set forth under RCW 43.99H.060(2).

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit reimbursable bond retirement account and nondebt-limit reimbursable bond retirement account as set forth under RCW 43.99H.060(2) such amounts and at such times as are required by the bond proceedings.

(3) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(17) shall be payable from the nondebt-limit proprietary appropriated bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit proprietary appropriated bond retirement account such amounts and at such times as are required by the bond proceedings.

(4) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(18) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

(5) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(20) shall be payable from the nondebt-limit reimbursable bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit reimbursable bond retirement account such amounts and at such times as are required by the bond proceedings.

(6) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(4) shall be payable from the nondebt-limit general fund bond retirement account.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit general fund bond retirement account such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 20; 1991 sp.s. c 31 § 14; 1990 1st ex.s. c 15 § 5; 1989 1st ex.s. c 14 § 4.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

Severability--1991 sp.s. c 31: See RCW 43.99I.900.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.050 Pledge and promise--Remedies.

Applicable Cases

Bonds issued under RCW 43.99H.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the

principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1989 1st ex.s. c 14 § 5.]

RCW 43.99H.060 Reimbursement of general fund.

Applicable Cases

(1) For bonds issued for the purposes of RCW 43.99H.020(16), on each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of Washington State University shall cause the amount computed in RCW 43.99H.040(1) to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

(2) For bonds issued for the purposes of RCW 43.99H.020(15), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(2) from the capitol campus reserve account, hereby created in the state treasury, to the general fund of the state treasury. At the time of sale of the bonds issued for the purposes of RCW 43.99H.020(15), and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the capitol campus reserve account, that portion of principal and interest on such RCW 43.99H.020(15) bonds which will, by virtue of payments from the capitol campus reserve account, be reimbursed from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in accordance with this subsection, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

(3) For bonds issued for the purposes of RCW 43.99H.020(17), on each date on which any interest or principal and interest payment is due, the director of the department of labor and industries shall cause fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the accident fund created in RCW 51.44.010 and fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the medical aid fund created in RCW 51.44.020, to the general fund of the state treasury.

(4) For bonds issued for the purposes of RCW 43.99H.020(18), on each date on which any interest or principal and interest payment is due, the board of regents of the University of Washington shall cause the amount computed in RCW 43.99H.040(4) to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury.

(5) For bonds issued for the purposes of RCW 43.99H.020(20), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(5) from the public safety and education account created in RCW

43.08.250 to the general fund of the state treasury.

(6) For bonds issued for the purposes of RCW 43.99H.020(4), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from property taxes in the state general fund levied for the support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99H.040(6).

[1991 sp.s. c 31 § 15; 1990 1st ex.s. c 15 § 6; 1989 1st ex.s. c 14 § 6.]

Notes:

Severability--1991 sp.s. c 31: See RCW 43.99I.900.

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.070 East capitol campus construction account--Additional means of reimbursement.

Applicable Cases

In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of RCW 43.99H.020(15), the following revenues may be collected:

(1) The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant of the facility or building constructed with bonds issued for the purposes of RCW 43.99H.020(15) for payment of a proportion of costs for each square foot of floor space assigned to or occupied by the entity. Payment of the amount billed to the entity for such occupancy shall be made quarterly during each fiscal year. The director of general administration shall deposit the payment in the capitol campus reserve account.

(2) The director of general administration may pledge a portion of the parking rental income collected by the department of general administration from parking space developed as a part of the facility constructed with bonds issued for the purposes of RCW 43.99H.020(15). The pledged portion of this income shall be deposited in the capitol campus reserve account. The unpledged portion of this income shall continue to be deposited in the state vehicle parking account.

(3) The state treasurer shall transfer four million dollars from the capitol building construction account to the capitol campus reserve account each fiscal year from 1990 to 1995. Beginning in fiscal year 1996, the director of general administration, in consultation with the state finance committee, shall determine the necessary amount for the state treasurer to transfer from the capitol building construction account to the capitol campus reserve account for the purpose of repayment of the general fund of the costs of the bonds issued for the purposes of RCW 43.99H.020(15).

(4) Any remaining balance in the state building and parking bond redemption account after the final debt service payment shall be transferred to the capitol campus reserve account.

[1995 c 215 § 6; 1989 1st ex.s. c 14 § 7.]

RCW 43.99H.080 1989-1991 Fiscal biennium general obligation bonds for capital and operating appropriations act--Additional means for payment of principal and interest.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized in RCW 43.99H.010. RCW 43.99H.030 and 43.99H.040 shall not be deemed to provide an exclusive method for the payment.

[1990 1st ex.s. c 15 § 3; 1989 1st ex.s. c 14 § 8.]

Notes:

Severability--1990 1st ex.s. c 15: See note following RCW 43.99H.010.

RCW 43.99H.090 1989-1991 Fiscal biennium general obligation bonds for capital and operating appropriations act--Legal investment.

Applicable Cases

The bonds authorized in RCW 43.99H.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1989 1st ex.s. c 14 § 9.]

RCW 43.99H.900 Severability--1989 1st ex.s. c 14.

Applicable Cases

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

[1989 1st ex.s. c 14 § 26.]

RCW 43.99H.901 Effective dates--1989 1st ex.s. c 14.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989, except for section 18 of this act which shall take effect immediately [June 1, 1989].

[1989 1st ex.s. c 14 § 28.]

**Chapter 43.99I RCW
FINANCING FOR APPROPRIATIONS--1991-1993 BIENNIUM**

43.99I.010	1991-1993 Fiscal biennium--General obligation bonds for capital and operating appropriations act.
43.99I.020	Conditions and limitations.
43.99I.030	Retirement of bonds.
43.99I.040	Reimbursement of general fund.
43.99I.060	Pledge and promise--Remedies.
43.99I.070	Additional means for payment of principal and interest.
43.99I.080	Legal investment.

- 43.99I.090 Dairy products commission--Bond conditions and limitations.
- 43.99I.100 Data processing building construction account.
- 43.99I.110 Dairy products commission facility account.
- 43.99I.900 Severability--1991 sp.s. c 31.

RCW 43.99I.010 1991-1993 Fiscal biennium--General obligation bonds for capital and operating appropriations act.

Applicable Cases

The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred eighty-four million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1991-1993 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1992 c 235 § 1; 1991 sp.s. c 31 § 1.]

RCW 43.99I.020 Conditions and limitations.

Applicable Cases

Bonds issued under RCW 43.99I.010 are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion two hundred seventy-one million sixty-five thousand dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the

state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Eight hundred thirty-five thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(2) Eight hundred seventy-one million dollars to the state building construction account created by RCW 43.83.020;

(3) Two million eight hundred thousand dollars to the energy efficiency services account created by RCW 39.35C.110;

(4) Two hundred fifty-five million five hundred thousand dollars to the common school reimbursable construction account hereby created in the state treasury;

(5) Ninety-eight million six hundred forty-eight thousand dollars to the higher education reimbursable construction account hereby created in the state treasury;

(6) Three million two hundred eighty-four thousand dollars to the data processing building construction account created in RCW 43.99I.100; and

(7) Nine hundred thousand dollars to the Washington state dairy products commission facility account created in RCW 43.99I.110.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

[1997 c 456 § 38; 1992 c 235 § 2; 1991 sp.s. c 31 § 2.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.030 Retirement of bonds.

Applicable Cases

(1)(a) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020 (1) and (2) shall be payable from the debt-limit general fund bond retirement account.

(b) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020(3) shall be payable from the nondebt-limit proprietary appropriated bond retirement account.

(c) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020(4) shall be payable from the nondebt-limit general fund bond retirement account.

(d) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020 (5) and (6) shall be payable from the nondebt-limit reimbursable bond retirement account.

(e) Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99I.020(7) shall be payable from the nondebt-limit proprietary nonappropriated bond retirement account.

(2) The state finance committee shall, on or before June 30th of each year, certify to the

state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the appropriate account as set forth under subsection (1) of this section such amounts and at such times as are required by the bond proceedings.

[1997 c 456 § 21; 1991 sp.s. c 31 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.040 Reimbursement of general fund.

Applicable Cases

(1) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(4), the state treasurer shall transfer from property taxes in the state general fund levied for this support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(4).

(2) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(5), the state treasurer shall transfer from higher education operating fees deposited in the general fund to the general fund of the state treasury for unrestricted use, or if chapter 231, Laws of 1992 (Senate Bill No. 6285) becomes law and changes the disposition of higher education operating fees from the general fund to another account, the state treasurer shall transfer the proportional share from the University of Washington operating fees account, the Washington State University operating fees account, and the Central Washington University operating fees account the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99I.020(6), the state treasurer shall transfer from the data processing revolving fund created in RCW 43.105.080 to the general fund of the state treasury the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99I.020(7), the Washington state dairy products commission shall cause the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(7) to be paid out of the commission's general operating fund to the state treasurer for deposit into the general fund of the state treasury.

(5) The higher education operating fee accounts for the University of Washington, Washington State University, and Central Washington University established by chapter 231, Laws of 1992 and repealed by chapter 18, Laws of 1993 1st sp. sess. are reestablished in the state treasury for purposes of fulfilling debt service reimbursement transfers to the general fund required by bond resolutions and covenants for bonds issued for purposes of RCW 43.99I.020(5).

(6) For bonds issued for purposes of RCW 43.99I.020(5), on each date on which any interest or principal and interest payment is due, the board of regents or board of trustees of the University of Washington, Washington State University, or Central Washington University shall cause the amount as determined by the state treasurer to be paid out of the local operating fee account for deposit by the universities into the state treasury higher education operating fee accounts. The state treasurer shall transfer the proportional share from the University of Washington operating fees account, the Washington State University operating fees account, and the Central Washington University operating fees account the amount computed in RCW 43.99I.030 for the bonds issued for the purposes of RCW 43.99I.020(6) to reimburse the general fund.

[1997 c 456 § 39; 1992 c 235 § 3; 1991 sp.s. c 31 § 4.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.060 Pledge and promise--Remedies.

Applicable Cases

Bonds issued under RCW 43.99I.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1991 sp.s. c 31 § 6.]

RCW 43.99I.070 Additional means for payment of principal and interest.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99I.010, and RCW 43.99I.030 and 43.99I.040 shall not be deemed to provide an exclusive method for the payment.

[1991 sp.s. c 31 § 7.]

RCW 43.99I.080 Legal investment.

Applicable Cases

The bonds authorized in RCW 43.99I.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1991 sp.s. c 31 § 8.]

RCW 43.99I.090 Dairy products commission--Bond conditions and limitations.

Applicable Cases

The bonds authorized by RCW 43.99I.020(7) shall be issued only after the director of financial management has (a) certified that, based on the future income from assessments levied pursuant to chapter 15.44 RCW and other revenues collected by the Washington state dairy products commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments due under RCW 43.99I.040(3) for the life of the bonds; and (b) approved the facility to be acquired using the bond proceeds.

[1997 c 456 § 40; 1992 c 235 § 5.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99I.100 Data processing building construction account.

Applicable Cases

The data processing building construction account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for acquisition of land for and construction of a data processing building.

[1992 c 235 § 7.]

RCW 43.99I.110 Dairy products commission facility account.

Applicable Cases

The Washington state dairy products commission facility account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for acquisition, renovation, or construction of a permanent facility for the Washington state dairy products commission.

[1992 c 235 § 8.]

RCW 43.99I.900 Severability--1991 sp.s. c 31.

Applicable Cases

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

[1991 sp.s. c 31 § 18.]

Chapter 43.99J RCW

FINANCING FOR APPROPRIATIONS--1993-1995 BIENNIUM

RCW

43.99J.010 1993-1995 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.

43.99J.020 Conditions and limitations.

43.99J.030	Retirement of bonds--Pledge and promise--Remedies.
43.99J.040	Additional means for payment of principal and interest.
43.99J.050	Legal investment.
43.99J.060	Washington state fruit commission--Reimbursement of general fund.
43.99J.070	Washington state fruit commission--Bond conditions and limitations.
43.99J.080	Fruit commission facility account.
43.99J.900	Severability--1993 sp.s. c 12.

RCW 43.99J.010 1993-1995 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.

Applicable Cases

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1993-95 fiscal biennium, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred twenty-six million seven hundred thirty-seven thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1993 sp.s. c 12 § 1.]

RCW 43.99J.020 Conditions and limitations.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.99J.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Nine hundred three million dollars to remain in the state building construction account created by RCW 43.83.020; and
- (2) One million five hundred thousand dollars to the fruit commission facility account.

These proceeds shall be used exclusively for the purposes specified in this section, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1993 sp.s. c 12 § 2.]

Notes:

Reviser's note: The 1994 publication of this code section inadvertently omitted two lines of text. The full text of the law is reprinted here.

RCW 43.99J.030 Retirement of bonds--Pledge and promise--Remedies.

Applicable Cases

- (1)(a) The debt-limit general fund bond retirement account shall be used for the payment

of the principal of and interest on the bonds authorized in RCW 43.99J.020(1).

(b) The nondebt-limit proprietary nonappropriated bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99J.020(2).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account or nondebt-limit proprietary nonappropriated bond retirement account, as necessary, an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) Bonds issued under RCW 43.99J.010 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 456 § 22; 1993 sp.s. c 12 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99J.040 Additional means for payment of principal and interest.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99J.010, and RCW 43.99J.030 shall not be deemed to provide an exclusive method for the payment.

[1993 sp.s. c 12 § 7.]

RCW 43.99J.050 Legal investment.

Applicable Cases

The bonds authorized in RCW 43.99J.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1993 sp.s. c 12 § 8.]

RCW 43.99J.060 Washington state fruit commission--Reimbursement of general fund.

Applicable Cases

On each date on which any interest or principal and interest payment is due for the purposes of RCW 43.99J.020(2), the Washington state fruit commission shall cause the amount computed by the state finance committee in RCW 43.99J.030 for the purposes of RCW 43.99J.020(2) to be paid out of the commission's general operating fund to the state treasurer for

deposit into the general fund of the state treasury.

[1993 sp.s. c 12 § 4.]

RCW 43.99J.070 Washington state fruit commission--Bond conditions and limitations.

Applicable Cases

The bonds authorized in RCW 43.99J.020(2) may be issued only after the director of financial management has: (1) Certified that, based on the future income from assessments levied under this chapter and other revenues collected by the commission, an adequate balance will be maintained in the commission's general operating fund to pay the interest or principal and interest payments due under RCW 43.99J.060 for the life of the bonds; and (2) approved the plans for facility.

[1993 sp.s. c 12 § 5.]

RCW 43.99J.080 Fruit commission facility account.

Applicable Cases

The fruit commission facility account is created in the state treasury. Moneys in the account may be spent only after appropriation.

[1993 sp.s. c 12 § 6.]

RCW 43.99J.900 Severability--1993 sp.s. c 12.

Applicable Cases

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

[1993 sp.s. c 12 § 10.]

Chapter 43.99K RCW

FINANCING FOR APPROPRIATIONS--1995-1997 BIENNIUM

RCW

- 43.99K.010 1995-1997 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.
- 43.99K.020 Conditions and limitations.
- 43.99K.030 Retirement of bonds--Reimbursement of general fund--Pledge and promise--Remedies.
- 43.99K.040 Additional means for payment of principal and interest.
- 43.99K.050 Legal investment.
- 43.99K.900 Severability--1995 2nd sp.s. c 17.

RCW 43.99K.010 1995-1997 Fiscal biennium--General obligation bonds for capital and operating appropriations acts.

Applicable Cases

For the purpose of providing funds to finance the projects described and authorized by the

legislature in the capital and operating appropriations acts for the 1995-97 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred sixty-seven million one hundred sixty thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1997 c 456 § 41; 1995 2nd sp.s. c 17 § 1.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99K.020 Conditions and limitations.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.99K.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) Seven hundred eighty-five million four hundred thirty-eight thousand dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by *RCW 43.99.060;

(3) Twenty-one million one hundred thousand dollars to the habitat conservation account created by *RCW 43.98A.020;

(4) Two million nine hundred twelve thousand dollars to the public safety reimbursable bond account; and

(5) Ten million dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1997 c 456 § 42; 1995 2nd sp.s. c 17 § 2.]

Notes:

***Reviser's note:** RCW 43.99.060 and 43.98A.020 were recodified as RCW 79A.25.060 and 79A.15.020, respectively, pursuant to 1999 c 249 § 1601.

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99K.030 Retirement of bonds--Reimbursement of general fund--Pledge and promise--Remedies.

Applicable Cases

(1)(a) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.020 (1), (2), and (3).

(b) The debt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.020(4).

(c) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.020(5).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account, debt-limit reimbursable bond retirement account, nondebt-limit reimbursable bond retirement account, as necessary, an amount equal to the amount certified by the state finance committee to be due on the payment date.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99K.020(4), the state treasurer shall transfer from the public safety and education account to the general fund of the state treasury the amount computed in subsection (2) of this section for the bonds issued for the purposes of RCW 43.99K.020(4).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99K.020(5), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99K.020(5).

(5) Bonds issued under this section and RCW 43.99K.010 and 43.99K.020 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(6) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 456 § 23; 1995 2nd sp.s. c 17 § 3.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 43.99K.040 Additional means for payment of principal and interest.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99K.010, and RCW 43.99K.030 shall not be deemed to provide an exclusive method for the payment.

[1995 2nd sp.s. c 17 § 4.]

RCW 43.99K.050 Legal investment.

Applicable Cases

The bonds authorized in RCW 43.99K.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1995 2nd sp.s. c 17 § 5.]

RCW 43.99K.900 Severability--1995 2nd sp.s. c 17.

Applicable Cases

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

[1995 2nd sp.s. c 17 § 8.]

**Chapter 43.99L RCW
FINANCING FOR APPROPRIATIONS--1997-1999 BIENNIUM**

RCW

43.99L.010	General obligation bonds for capital and operating appropriations acts.
43.99L.020	Conditions and limitations.
43.99L.030	Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.
43.99L.040	Retirement of bonds--Reimbursement of general fund from debt-limit reimbursable bond retirement account.
43.99L.050	Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.
43.99L.060	Pledge and promise--Remedies.
43.99L.070	Payment of principal and interest--Additional means for raising moneys authorized.
43.99L.080	Legal investment.
43.99L.900	Severability--1997 c 456.

RCW 43.99L.010 General obligation bonds for capital and operating appropriations acts.

Applicable Cases

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1997-99 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of nine hundred eighty-nine million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1997 c 456 § 1.]

RCW 43.99L.020 Conditions and limitations.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.99L.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Nine hundred fifteen million dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) One million six hundred thousand dollars to the public safety reimbursable bond account; and
- (3) Forty-four million three hundred thousand dollars to the higher education construction account created by RCW 28B.14D.040.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1997 c 456 § 2.]

RCW 43.99L.030 Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.

Applicable Cases

(1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.020(1).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99L.020(1).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99L.020(1), the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1997 c 456 § 3.]

RCW 43.99L.040 Retirement of bonds--Reimbursement of general fund from debt-limit reimbursable bond retirement account.

Applicable Cases

(1) The debt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.020(2).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bonds [bond] retirement and interest requirements on the bonds authorized in RCW 43.99L.020(2).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purpose of RCW 43.99L.020(2), the state treasurer shall transfer from the public safety and education account to the debt-limit reimbursable bond retirement account the amount computed in subsection (2) of this section for the bonds issued for the purpose of RCW 43.99L.020(2).

[1997 c 456 § 4.]

RCW 43.99L.050 Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

Applicable Cases

(1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.020(3).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99L.020(3).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99L.020(3), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursable bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99L.020(3).

[1997 c 456 § 5.]

RCW 43.99L.060 Pledge and promise--Remedies.

Applicable Cases

(1) Bonds issued under RCW 43.99L.010 through 43.99L.050 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 456 § 6.]

RCW 43.99L.070 Payment of principal and interest--Additional means for raising moneys authorized.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99L.010, and RCW 43.99L.030 through 43.99L.050 shall not be deemed to provide an exclusive method for the payment.

[1997 c 456 § 7.]

RCW 43.99L.080 Legal investment.

Applicable Cases

The bonds authorized in RCW 43.99L.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1997 c 456 § 8.]

RCW 43.99L.900 Severability--1997 c 456.

Applicable Cases

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

[1997 c 456 § 46.]

**Chapter 43.99M RCW
BOND RETIREMENT ACCOUNTS**

RCW

43.99M.005	Findings.
43.99M.010	Debt-limit general fund bond retirement account.
43.99M.020	Debt-limit reimbursable bond retirement account.
43.99M.030	Nondebt-limit general fund bond retirement account.
43.99M.040	Nondebt-limit reimbursable bond retirement account.
43.99M.050	Nondebt-limit proprietary appropriated bond retirement account.
43.99M.060	Nondebt-limit proprietary nonappropriated bond retirement account.
43.99M.070	Nondebt-limit revenue bond retirement account.
43.99M.080	Transportation improvement board bond retirement account.
43.99M.900	Severability--1997 c 456.
43.99M.901	Effective date--1997 c 456 §§ 9-43.

RCW 43.99M.005 Findings.

Applicable Cases

(1) The legislature declares that it is in the best interest of the state and the owners and holders of the bonds issued by the state and its political subdivisions that the accounts used by the treasurer for debt service retirement are accurately designated and named in statute.

(2) It is the intent of the legislature in this chapter and sections 10 through 37, chapter 456, Laws of 1997 to create and change the names of funds and accounts to accomplish the declaration under subsection (1) of this section. The legislature does not intend to diminish in any way the current obligations of the state or its political subdivisions or diminish in any way the rights of bond owners and holders.

[1997 c 456 § 9.]

RCW 43.99M.010 Debt-limit general fund bond retirement account.

Applicable Cases

The debt-limit general fund bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 30.]

RCW 43.99M.020 Debt-limit reimbursable bond retirement account.

Applicable Cases

The debt-limit reimbursable bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 31.]

RCW 43.99M.030 Nondebt-limit general fund bond retirement account.

Applicable Cases

The nondebt-limit general fund bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 32.]

RCW 43.99M.040 Nondebt-limit reimbursable bond retirement account.

Applicable Cases

The nondebt-limit reimbursable bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 33.]

RCW 43.99M.050 Nondebt-limit proprietary appropriated bond retirement account.

Applicable Cases

The nondebt-limit proprietary appropriated bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 34.]

RCW 43.99M.060 Nondebt-limit proprietary nonappropriated bond retirement account.

Applicable Cases

The nondebt-limit proprietary nonappropriated bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 35.]

RCW 43.99M.070 Nondebt-limit revenue bond retirement account.

Applicable Cases

The nondebt-limit revenue bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 36.]

RCW 43.99M.080 Transportation improvement board bond retirement account.

Applicable Cases

The transportation improvement board bond retirement account is created in the state treasury. This account shall be exclusively devoted to the payment of principal and interest on and retirement of the bonds authorized by the legislature.

[1997 c 456 § 37.]

RCW 43.99M.900 Severability--1997 c 456.

Applicable Cases

See RCW 43.99L.900.

RCW 43.99M.901 Effective date--1997 c 456 §§ 9-43.

Applicable Cases

Sections 9 through 43 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 20, 1997].

[1997 c 456 § 47.]

**Chapter 43.99N RCW
STADIUM AND EXHIBITION CENTER BOND ISSUE**

RCW

- 43.99N.010 Definitions.
- 43.99N.020 General obligation bonds--Certifications by public stadium authority--Obligations of team affiliate.
- 43.99N.030 Escrow agreement, account--Distributions.
- 43.99N.040 Stadium and exhibition center construction account.
- 43.99N.050 Payment of principal and interest from nondebt-limit reimbursable bond retirement account--Transfers of certified amounts--Bonds as general obligation, full faith and credit, promise to pay--Insufficiency in stadium and exhibition center account as obligation--Proceedings to require transfer and payment.
- 43.99N.060 Stadium and exhibition center account--Youth athletic facility grant account--Youth athletic facility grants.
- 43.99N.070 Sections null and void if certification not made by office of financial management--Conditions.
- 43.99N.080 Additional means for raising moneys authorized.

43.99N.090	Bonds as legal investment.
43.99N.100	Total public share--State contribution limited.
43.99N.110	Bonds exempt from statutory indebtedness.
43.99N.800	Referendum only measure for taxes for stadium and exhibition center--Limiting legislation upon failure to approve--1997 c 220.
43.99N.801	Legislation as opportunity for voter's decision--Not indication of legislators' personal vote on referendum proposal--1997 c 220.
43.99N.802	Contingency--Null and void--Team affiliate's agreement for reimbursement for election--1997 c 220.
43.99N.803	Referendum--Submittal--Explanatory statement--Voters' pamphlet--Voting procedures--Canvassing and certification--Reimbursement of counties for costs--No other elections on stadium and exhibition center--1997 c 220.
43.99N.900	Part headings not law--1997 c 220.
43.99N.901	Severability--1997 c 220.

RCW 43.99N.010 Definitions.

Applicable Cases

The definitions in RCW 36.102.010 apply to this chapter.

[1997 c 220 § 209 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.020 General obligation bonds--Certifications by public stadium authority--Obligations of team affiliate.

Applicable Cases

(1) For the purpose of providing funds to pay for operation of the public stadium authority created under RCW 36.102.020, to pay for the preconstruction, site acquisition, design, site preparation, construction, owning, leasing, and equipping of the stadium and exhibition center, and to reimburse the county or the public stadium authority for its direct or indirect expenditures or to repay other indebtedness incurred for these purposes, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred million dollars, or so much thereof as may be required, for these purposes and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine.

(2) Bonds shall not be issued under this section unless the public stadium authority has certified to the director of financial management that:

(a) A professional football team has made a binding and legally enforceable contractual commitment to play all of its regular season and playoff home games in the stadium and exhibition center, other than games scheduled elsewhere by the league, for a period of time not shorter than the term of the bonds issued or to be issued to finance the initial construction of the stadium and exhibition center;

(b) A team affiliate has entered into one or more binding and legally enforceable contractual commitments with a public stadium authority under RCW 36.102.050 that provide that:

(i) The team affiliate assumes the risks of cost overruns;

(ii) The team affiliate shall raise at least one hundred million dollars, less the amount, if

any, raised by the public stadium authority under RCW 36.102.060(15). The total one hundred million dollars raised, which may include cash payments and in-kind contributions, but does not include any interest earned on the escrow account described in RCW 43.99N.030, shall be applied toward the reasonably necessary preconstruction, site acquisition, design, site preparation, construction, and equipping of the stadium and exhibition center, or to any associated public purpose separate from bond-financed expenses. No part of the payment may be made without the consent of the public stadium authority. In any event, all amounts to be raised by the team affiliate under (b)(ii) of this subsection shall be paid or expended before the completion of the construction of the stadium and exhibition center. To the extent possible, contributions shall be structured in a manner that would allow for the issuance of bonds to construct the stadium and exhibition center that are exempt from federal income taxes;

(iii) The team affiliate shall deposit at least ten million dollars into the youth athletic facility grant account created in RCW 43.99N.060 upon execution of the lease and development agreements in RCW 36.102.060 (7) and (8);

(iv) At least ten percent of the seats in the stadium for home games of the professional football team shall be for sale at an affordable price. For the purposes of this subsection, "affordable price" means that the price is the average of the lowest ticket prices charged by all other national football league teams;

(v) One executive suite with a minimum of twenty seats must be made available, on a lottery basis, as a free upgrade, at home games of the professional football team, to purchasers of tickets that are not located in executive suites or club seat areas;

(vi) A nonparticipatory interest in the professional football team has been granted to the state beginning on the date on which bonds are issued under this section which only entitles the state to receive ten percent of the gross selling price of the interest in the team that is sold if a majority interest or more of the professional football team is sold within twenty-five years of the date on which bonds are issued under the [this] section. The ten percent shall apply to all preceding sales of interests in the team which comprise the majority interest sold. This provision shall apply only to the first sale of such a majority interest. The ten percent must be deposited in the permanent common school fund. If the debt is retired at the time of the sale, then the ten percent may only be used for costs associated with capital maintenance, capital improvements, renovations, reequipping, replacement, and operations of the stadium and exhibition center;

(vii) The team affiliate must provide reasonable office space to the public stadium authority without charge;

(viii) The team affiliate, in consultation with the public stadium authority, shall work with surrounding areas to mitigate the impact of the construction and operation of the stadium and exhibition center with a budget of at least ten million dollars dedicated to area mitigation. For purposes of this subsection, "mitigation" includes, but is not limited to, parking facilities and amenities, neighborhood beautification projects and landscaping, financial grants for neighborhood programs intended to mitigate adverse impacts caused by the construction and operation of the stadium and exhibition center, and mitigation measures identified in the environmental impact statement required for the stadium and exhibition center under chapter

43.21C RCW; and

(ix) Twenty percent of the net profit from the operation of the exhibition facility of the stadium and exhibition center shall be deposited into the permanent common school fund. Profits shall be verified by the public stadium authority.

[1997 c 220 § 210 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.030 Escrow agreement, account--Distributions.

Applicable Cases

On or before August 1, 1997: (1) The state treasurer and a team affiliate or an entity that has an option to become a team affiliate shall enter into an escrow agreement creating an escrow account; and (2) the team affiliate or the entity that has an option to become a team affiliate shall deposit the sum of fifty million dollars into the escrow account as a credit against the obligation of the team affiliate in RCW 43.99N.020(2)(b)(ii).

The escrow agreement shall provide that the fifty million dollar deposit shall be invested by the state treasurer and shall earn interest. If the stadium and exhibition center project proceeds, then the interest on amounts in the escrow account shall be for the benefit of the state, and all amounts in the escrow account, including all principal and interest, shall be distributed to the stadium and exhibition center account. The escrow agreement shall provide for appropriate adjustments based on amounts previously and subsequently raised by the team affiliate under RCW 43.99N.020(2)(b)(ii) and amounts previously and subsequently raised by the public stadium authority under RCW 36.102.060(15). If the stadium and exhibition center project does not proceed, all principal and the interest in the escrow account shall be distributed to the team affiliate or the entity that has an option to become a team affiliate.

[1997 c 220 § 211 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.040 Stadium and exhibition center construction account.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.99N.020 shall be deposited in the stadium and exhibition center construction account, hereby created in the custody of the state treasurer, and shall be used exclusively for the purposes specified in RCW 43.99N.020 and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the office of financial management. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. At the direction of the office of financial management the state treasurer shall transfer moneys from the stadium and exhibition center construction account to the public stadium authority created in RCW 36.102.020 as required by the public stadium authority.

[1997 c 220 § 212 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.050 Payment of principal and interest from nondebt-limit reimbursable bond

retirement account--Transfers of certified amounts--Bonds as general obligation, full faith and credit, promise to pay--Insufficiency in stadium and exhibition center account as obligation--Proceedings to require transfer and payment.

Applicable Cases

The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99N.020.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. On each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from the stadium and exhibition center account to the nondebt-limit reimbursable bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under RCW 43.99N.020 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. If in any year the amount accumulated in the stadium and exhibition center account is insufficient for payment of the principal and interest on the bonds issued under RCW 43.99N.020, the amount of the insufficiency shall be a continuing obligation against the stadium and exhibition center account until paid.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1997 c 220 § 213 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.060 Stadium and exhibition center account--Youth athletic facility grant account--Youth athletic facility grants.

Applicable Cases

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility grant account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility grant account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility grant account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants to cities, counties, and qualified nonprofit organizations for youth athletic facilities. Only the director of the interagency committee for outdoor recreation or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants may be used for acquiring, developing, equipping, maintaining, and improving youth or community athletic facilities. Funds shall be divided equally between the development of new athletic facilities, the improvement of existing athletic facilities, and the maintenance of existing athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the interagency committee for outdoor recreation. The grants shall be awarded on a competitive application process and the amount of the grant shall be in proportion to the population of the city or county for where the youth athletic facility is located. Grants awarded in any one year need not be distributed in that year. The director of the interagency committee for outdoor recreation may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

[1997 c 220 § 214 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.070 Sections null and void if certification not made by office of financial management--Conditions.

Applicable Cases

Unless *the office of financial management certifies by December 31, 1997, that the following conditions have been met, sections 201 through 208, chapter 220, Laws of 1997 are null and void:

(1) The professional football team that will use the stadium and exhibition center is at least majority-owned and controlled by, directly or indirectly, one or more persons who are each residents of the state of Washington and who have been residents of the state of Washington continuously since at least January 1, 1993;

(2) The county in which the stadium and exhibition center is to be constructed has created a public stadium authority under this chapter to acquire property, construct, own, remodel, maintain, equip, reequip, repair, and operate a stadium and exhibition center;

(3) The county in which the stadium and exhibition center is to be constructed has enacted the taxes authorized in RCW 36.38.010(5) and 36.38.040; and

(4) The county in which the stadium and exhibition center is to be constructed pledges to maintain and continue the taxes authorized in RCW 36.38.010(5), 67.28.180, and 36.38.040 until the bonds authorized in RCW 43.99N.020 are fully redeemed, both principal and interest.

[1997 c 220 § 215 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

***Reviser's note:** The office of financial management certified on December 3, 1997, that the conditions in subsections (1) through (4) of this section had been met.

RCW 43.99N.080 Additional means for raising moneys authorized.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99N.020, and RCW 43.99N.050 shall not be deemed to provide an exclusive method for the payment.

[1997 c 220 § 216 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.090 Bonds as legal investment.

Applicable Cases

The bonds authorized in RCW 43.99N.020 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1997 c 220 § 217 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.100 Total public share--State contribution limited.

Applicable Cases

(1) The total public share of a stadium and exhibition center shall not exceed three

hundred million dollars. For the purposes of this section, "total public share" means all state and local funds expended for preconstruction and construction costs of the stadium and exhibition center, including proceeds of any bonds issued for the purposes of the stadium and exhibition center, tax revenues, and interest earned on the escrow account described in RCW 43.99N.030 and not including expenditures for deferred sales taxes.

(2) Sections 201 through 207, chapter 220, Laws of 1997 and this chapter constitute the entire state contribution for a stadium and exhibition center. The state will not make any additional contributions based on revised cost or revenue estimates, cost overruns, unforeseen circumstances, or any other reason.

[1997 c 220 § 218 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.110 Bonds exempt from statutory indebtedness.

Applicable Cases

The bonds authorized for the purposes identified in RCW 43.99N.020 are exempt from the statutory limitations of indebtedness under RCW 39.42.060.

[1997 c 220 § 219 (Referendum Bill No. 48, approved June 17, 1997).]

RCW 43.99N.800 Referendum only measure for taxes for stadium and exhibition center--Limiting legislation upon failure to approve--1997 c 220.

Applicable Cases

See RCW 36.102.800.

RCW 43.99N.801 Legislation as opportunity for voter's decision--Not indication of legislators' personal vote on referendum proposal--1997 c 220.

Applicable Cases

See RCW 36.102.801.

RCW 43.99N.802 Contingency--Null and void--Team affiliate's agreement for reimbursement for election--1997 c 220.

Applicable Cases

See RCW 36.102.802.

RCW 43.99N.803 Referendum--Submittal--Explanatory statement--Voters' pamphlet--Voting procedures--Canvassing and certification--Reimbursement of counties for costs--No other elections on stadium and exhibition center--1997 c 220.

Applicable Cases

See RCW 36.102.803.

RCW 43.99N.900 Part headings not law--1997 c 220.

Applicable Cases

See RCW 36.102.900.

RCW 43.99N.901 Severability--1997 c 220.

Applicable Cases
See RCW 36.102.901.

Chapter 43.99P RCW
FINANCING FOR APPROPRIATIONS--1999-2001 BIENNIUM

43.99P.010	General obligation bonds for capital and operating appropriations acts.
43.99P.020	Conditions and limitations.
43.99P.030	Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.
43.99P.040	Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.
43.99P.050	Pledge and promise--Remedies.
43.99P.060	Payment of principal and interest--Additional means for raising moneys authorized.
43.99P.070	Legal investment.
43.99P.900	Severability--1999 c 380.
43.99P.901	Effective date--1999 c 380.

RCW 43.99P.010 General obligation bonds for capital and operating appropriations acts.

Applicable Cases

For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriation acts for the 1999-01 fiscal biennium only, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion two hundred four million two hundred sixty-five thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

[1999 c 380 § 1.]

RCW 43.99P.020 Conditions and limitations.

Applicable Cases

The proceeds from the sale of the bonds authorized in RCW 43.99P.010 shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

- (1) Nine hundred fifty million dollars to remain in the state building construction account created by RCW 43.83.020;
- (2) Twenty-two million five hundred thousand dollars to the outdoor recreation account created by *RCW 43.99.060;
- (3) Twenty-two million five hundred thousand dollars to the habitat conservation account created by *RCW 43.98A.020;
- (4) One hundred thirty-six million eight hundred thirty-six thousand dollars to the higher

education construction account created by RCW 28B.14D.040;

(5) Thirty-six million three hundred thousand dollars to the state higher education construction account created by RCW 28B.10.851.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

[1999 c 380 § 2.]

Notes:

***Reviser's note:** RCW 43.99.060 and 43.98A.020 were recodified as RCW 79A.25.060 and 79A.15.020, respectively, pursuant to 1999 c 249 § 1601.

RCW 43.99P.030 Retirement of bonds--Reimbursement of general fund from debt-limit general fund bond retirement account.

Applicable Cases

(1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99P.020 (1), (2), and (3).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99P.020 (1), (2), and (3).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99P.020 (1), (2), and (3) the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

[1999 c 380 § 3.]

RCW 43.99P.040 Retirement of bonds--Reimbursement of general fund from nondebt-limit reimbursable bond retirement account.

Applicable Cases

(1) The nondebt-limit reimbursable bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in RCW 43.99P.020 (4) and (5).

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in RCW 43.99P.020 (4) and (5).

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99P.020(4), the board of regents of the University of Washington shall cause to be paid out of University of Washington nonappropriated local funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW

43.99P.020(4).

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of RCW 43.99P.020(5), the board of regents of Washington State University shall cause to be paid out of the Washington State University nonappropriated funds to the state treasurer for deposit into the nondebt-limit reimbursement bond retirement account the amount computed in subsection (2) of this section for bonds issued for the purposes of RCW 43.99P.020(5).

[1999 c 380 § 4.]

RCW 43.99P.050 Pledge and promise--Remedies.

Applicable Cases

(1) Bonds issued under RCW 43.99P.010 through 43.99P.040 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

[1999 c 380 § 5.]

RCW 43.99P.060 Payment of principal and interest--Additional means for raising moneys authorized.

Applicable Cases

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in RCW 43.99P.010, and RCW 43.99P.020 through 43.99P.040 shall not be deemed to provide an exclusive method for the payment.

[1999 c 380 § 6.]

RCW 43.99P.070 Legal investment.

Applicable Cases

The bonds authorized in RCW 43.99P.010 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

[1999 c 380 § 7.]

RCW 43.99P.900 Severability--1999 c 380.

Applicable Cases

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

[1999 c 380 § 10.]

RCW 43.99P.901 Effective date--1999 c 380.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 18, 1999].

[1999 c 380 § 12.]

**Chapter 43.101 RCW
CRIMINAL JUSTICE TRAINING COMMISSION--EDUCATION AND TRAINING
STANDARDS BOARDS**

- 43.101.010 Definitions.
- 43.101.020 Commission created--Purpose.
- 43.101.030 Membership.
- 43.101.040 Terms of members--Vacancies.
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- 43.101.200 Law enforcement personnel--Basic law enforcement training required--Commission to provide.
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- 43.101.350 Core training requirements.

- 43.101.360 Report to the legislature.
43.101.370 Child abuse and neglect--Intensive training.
43.101.900 Severability--1974 ex.s. c 94.

RCW 43.101.010 Definitions.

Applicable Cases

When used in this chapter:

(1) The term "commission" means the Washington state criminal justice training commission.

(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.

(3) The term "criminal justice personnel" means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

(4) The term "law enforcement personnel" means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made.

(5) The term "correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

[1981 c 132 § 2; 1977 ex.s. c 212 § 1; 1974 ex.s. c 94 § 1.]

Notes:

Civil rights

loss of: State Constitution Art. 6 § 3, RCW 29.10.097.

restoration of: RCW 9.92.066, 9.94A.220, 9.94A.260, 9.95.260, chapter 9.96 RCW.

RCW 43.101.020 Commission created--Purpose.

Applicable Cases

There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

The purpose of such commission shall be to provide programs and standards for the training of criminal justice personnel.

[1974 ex.s. c 94 § 2.]

RCW 43.101.030 Membership.

Applicable Cases

The commission shall consist of fourteen members, who shall be selected as follows:

(1) The governor shall appoint two incumbent sheriffs and two incumbent chiefs of police.

(2) The governor shall appoint one officer at or below the level of first line supervisor from a county law enforcement agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.

(3) The governor shall appoint one person employed in a county correctional system and one person employed in the state correctional system.

(4) The governor shall appoint one incumbent county prosecuting attorney or municipal attorney.

(5) The governor shall appoint one elected official of a local government.

(6) The governor shall appoint one private citizen.

(7) The three remaining members shall be:

(a) The attorney general;

(b) The special agent in charge of the Seattle office of the federal bureau of investigation; and

(c) The chief of the state patrol.

[1999 c 97 § 1; 1981 c 132 § 3; 1979 ex.s. c 55 § 1; 1974 ex.s. c 94 § 3.]

RCW 43.101.040 Terms of members--Vacancies.

Applicable Cases

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth: PROVIDED, That of the members first appointed three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member he is to succeed. Any member may be reappointed for additional terms.

[1974 ex.s. c 94 § 4.]

RCW 43.101.050 Cessation of membership upon termination of office or employment.

Applicable Cases

Any member of the commission appointed pursuant to RCW 43.101.030 as an incumbent official or as an employee in a correctional system, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the commission.

[1974 ex.s. c 94 § 5.]

RCW 43.101.060 Chair and vice chair--Quorum--Meetings.

Applicable Cases

The commission shall elect a chair and a vice chair from among its members. Seven members of the commission shall constitute a quorum. The governor shall summon the commission to its first meeting.

Meetings may be called by the chair and shall be called by him or her upon the written request of six members.

[1999 c 97 § 2; 1974 ex.s. c 94 § 6.]

RCW 43.101.070 Compensation--Reimbursement of travel expenses.

Applicable Cases

Members of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment.

[1984 c 287 § 85; 1975-'76 2nd ex.s. c 34 § 126; 1974 ex.s. c 94 § 7.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.101.080 Commission powers and duties--Rules and regulations.

Applicable Cases

The commission shall have all of the following powers:

- (1) To meet at such times and places as it may deem proper;
- (2) To adopt any rules and regulations as it may deem necessary;
- (3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;
- (4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;
- (5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;
- (6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;
- (7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;
- (8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;
- (9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel

and to lease, subject to the approval of the department of general administration, a training facility or facilities necessary to the conducting of such programs: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source for the purchase of a training facility without prior approval of the legislature;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovate, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards recommended by the training standards and education boards;

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules and regulations recommended by the training standards and education boards prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

[1982 c 124 § 1; 1975-'76 2nd ex.s. c 17 § 3. Prior: 1975 1st ex.s. c 103 § 1; 1975 1st ex.s. c 82 § 1; 1974 ex.s. c 94 § 8.]

RCW 43.101.170 Training and education obtained at approved existing institutions.

Applicable Cases

In establishing standards for training and education, the commission may, so far as consistent with the purposes of *RCW 43.101.160, permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission.

[1974 ex.s. c 94 § 17.]

Notes:

***Reviser's note:** RCW 43.101.160 was repealed by 1983 c 197 § 55, effective June 30, 1987.

RCW 43.101.180 Priorities.

Applicable Cases

The first priority of the commission shall be to provide for basic law enforcement training, corrections training, and education programs. In addition, the commission shall provide training programs for other criminal justice personnel.

[1981 c 136 § 27; 1974 ex.s. c 94 § 18.]

Notes:

Effective date--1981 c 136: See RCW 72.09.900.

RCW 43.101.190 Receipt of grants, funds or gifts authorized--Administration--Utilization of federal funds.

Applicable Cases

The commission, or the executive director acting on its behalf, is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies, for the purpose of carrying out the provisions of this chapter.

The services provided by the state through the establishment and maintenance of the programs of the commission are primarily intended for the benefit of the criminal justice agencies of the counties, cities, and towns of this state. To the extent that funds available to the state under the Crime Control Act of 1973 are utilized by the commission, it is the determination of the legislature that, to the maximum extent permitted by federal law, such funds as are so utilized shall be charged against that portion of United States law enforcement assistance administration funds which the state is required to make available to units of local government pursuant to section 303(a)(2) of Part C of the Crime Control Act of 1973.

[1974 ex.s. c 94 § 19.]

RCW 43.101.200 Law enforcement personnel--Basic law enforcement training required--Commission to provide.

Applicable Cases

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is

otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as otherwise provided in this chapter, the commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

[1997 c 351 § 13. Prior: 1993 sp.s. c 24 § 920; 1993 sp.s. c 21 § 5; 1989 c 299 § 2; 1977 ex.s. c 212 § 2.]

Notes:

Severability--1997 c 351: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 351 § 14.]

Effective date--1997 c 351: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1997]." [1997 c 351 § 15.]

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Effective dates--1993 sp.s. c 21: See note following RCW 82.14.310.

RCW 43.101.210 Criminal justice training costs--Assessments on bail forfeitures and certain penalties--Criminal justice training account created.

Applicable Cases

Notes:

Reviser's note: RCW 43.101.210 was amended by 1985 c 57 § 57 without reference to its repeal by 1984 c 258 § 339, effective July 1, 1985. It has been decodified for publication purposes pursuant to RCW 1.12.025.

RCW 43.101.220 Training for corrections personnel.

Applicable Cases

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission pursuant to *RCW 43.101.160. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall engage in supervisory and/or management training which complies with standards adopted

by the commission pursuant to *RCW 43.101.160. The training shall be successfully completed prior to or within the first six months of employment, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees.

(4) Nothing in this section shall affect or impair the employment status of any employee whose employer does not provide him with the opportunity to engage in the required training.

[1981 c 136 § 26.]

Notes:

***Reviser's note:** RCW 43.101.160 was repealed by 1983 c 197 § 55, effective June 30, 1987.

Effective date--1981 c 136: See RCW 72.09.900.

RCW 43.101.222 Training for students enrolled at institutions of higher education.

Applicable Cases

The commission may provide basic law enforcement training to students who are enrolled in criminal justice courses of study at four-year institutions of higher education, if the training is provided during the summers following the students' junior and senior years and so long as the students bear the full cost of the training.

[1996 c 203 § 3.]

Notes:

Effective date--1996 c 203: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 203 § 4.]

RCW 43.101.224 Training for persons investigating child sexual abuse.

Applicable Cases

(1) On-going specialized training shall be provided for persons responsible for investigating child sexual abuse. Training participants shall have the opportunity to practice interview skills and receive feedback from instructors.

(2) The commission, the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys shall design and implement state-wide training that contains consistent elements for persons engaged in the interviewing of children for child sexual abuse cases, including law enforcement, prosecution, and child protective services.

(3) The training shall: (a) Be based on research-based practices and standards; (b) minimize the trauma of all persons who are interviewed during abuse investigations; (c) provide methods of reducing the number of investigative interviews necessary whenever possible; (d) assure, to the extent possible, that investigative interviews are thorough, objective, and complete; (e) recognize needs of special populations, such as persons with developmental disabilities; (f) recognize the nature and consequences of victimization; (g) require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional

comfort under the circumstances; (h) address record retention and retrieval; and (i) documentation of investigative interviews.

[1999 c 389 § 2.]

RCW 43.101.230 Training for Indian tribe officers and employees authorized--Conditions.

Applicable Cases

Indian tribe officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010, as now law or hereafter amended, may be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

[1981 c 134 § 1.]

RCW 43.101.240 Community-police partnership.

Applicable Cases

(1) The criminal justice training commission in cooperation with the United States department of justice department of community relations (region X) shall conduct an assessment of successful community-police partnerships throughout the United States. The commission shall develop training for local law enforcement agencies targeted toward those communities where there has been a substantial increase in drug crimes. The purpose of the training is to facilitate cooperative community-police efforts and enhanced community protection to reduce drug abuse and related crimes. The training shall include but not be limited to conflict management, ethnic sensitivity, cultural awareness, and effective community policing.

(2) Local law enforcement agencies are encouraged to form community-police partnerships in all neighborhoods and particularly areas with high rates of criminal activity. These partnerships are encouraged to organize citizen-police task forces which meet on a regular basis to promote greater citizen involvement in combatting drug abuse and to reduce tension between police and citizens. Partnerships that are formed are encouraged to report to the criminal justice training commission of their formation and progress.

[1994 sp.s. c 7 § 311; 1989 c 271 § 423.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

Captions not law--1989 c 271: See note following RCW 69.50.520.

Severability--1989 c 271: See note following RCW 9.94A.310.

RCW 43.101.250 Firearms certificate program for *private detectives.

Applicable Cases

The commission shall establish a program for issuing firearms certificates to *private detectives for the purposes of obtaining armed *private detective licenses. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining and

annually renewing firearms certificates. The fees charged by the commission shall recover the costs incurred by the commission in administering the firearms certificate program.

(1) Firearms training must be provided by an organization or trainer approved by the commission and must consist of at least eight hours of classes and proficiency training.

(2) Applications for firearms certificates shall be filed with the commission on a form provided by the commission. The commission may require any information and documentation that reasonably relates to the need to determine whether the applicant qualifies for a firearms certificate. Applicants must:

(a) Be at least twenty-one years of age;

(b) Possess a current *private detective license; and

(c) Present a written request from the owner or qualifying agent of a licensed *private detective agency that the applicant be issued a firearms certificate.

(3) The commission shall consult with the private security industry and law enforcement before adopting or amending the training requirements of this section.

(4) The commission may adopt rules that are reasonable and necessary for the effective implementation and administration of this section consistent with chapter 34.05 RCW.

[1991 c 328 § 28.]

Notes:

***Reviser's note:** "Private detective" redesignated "private investigator" by 1995 c 277.

Severability--1991 c 328: See RCW 18.165.900.

RCW 43.101.260 Firearms certificate program for security guards.

Applicable Cases

The commission shall establish a program for issuing firearms certificates to security guards for the purposes of obtaining armed security guard licenses. The commission shall adopt rules establishing the fees, training requirements, and procedures for obtaining and annually renewing firearms certificates. The fees charged by the commission shall recover the costs incurred by the commission in administering the firearms certificate program.

(1) Firearms training must be provided by an organization or trainer approved by the commission and must consist of at least eight hours of classes and proficiency training.

(2) Applications for firearms certificates shall be filed with the commission on a form provided by the commission. The commission may require any information and documentation that reasonably relates to the need to determine whether the applicant qualifies for a firearms certificate. Applicants must:

(a) Be at least twenty-one years of age;

(b) Possess a current private security guard license; and

(c) Present a written request from the owner or qualifying agent of a licensed private security company that the applicant be issued a firearms certificate.

(3) The commission shall consult with the private security industry and law enforcement before adopting or amending the training requirements of this section.

(4) The commission may adopt rules that are reasonable and necessary for the effective

implementation and administration of this section consistent with chapter 34.05 RCW.

[1991 c 334 § 29.]

Notes:

Severability--1991 c 334: See RCW 18.170.900.

RCW 43.101.270 Sexual assault--Training for investigating and prosecuting.

Applicable Cases

(1) Each year the criminal justice training commission shall offer an intensive, integrated training session on investigating and prosecuting sexual assault cases. The training shall place particular emphasis on the development of professionalism and sensitivity towards the victim and the victim's family.

(2) The commission shall seek advice from the Washington association of prosecuting attorneys, the Washington defender association, the Washington association of sheriffs and police chiefs, and the Washington coalition of sexual assault programs.

(3) The training shall be an integrated approach to sexual assault cases so that prosecutors, law enforcement, defenders, and victim advocates can all benefit from the training.

(4) The training shall be self-supporting through fees charged to the participants of the training.

[1991 c 267 § 2.]

Notes:

Findings--1991 c 267: "The safety of all children is enhanced when sexual assault cases are properly investigated and prosecuted. The victim of the sexual assault and the victim's family have a right to be treated with sensitivity and professionalism, which also increases the likelihood of their continued cooperation with the investigation and prosecution of the case. The legislature finds the sexual assault cases, particularly those involving victims who are children, are difficult to prosecute successfully. The cooperation of a victim and the victim's family through the investigation and prosecution of the sexual assault case is enhanced and the trauma associated with the investigation and prosecution is reduced when trained victim advocates assist the victim and the victim's family through the investigation and prosecution of the case. Trained victim advocates also assist law enforcement, prosecutors, and defense attorneys, by relieving some of the burden of explaining the investigation and prosecution process and possible delays to the victim and accompanying the victim during interviews by the police, prosecutor, and defense attorney, and accompanying the victim during hearings and the trial.

The legislature finds that counties should give priority to the successful prosecution of sexual assault cases, especially those that involve children, by ensuring that prosecutors, investigators, defense attorneys, and victim advocates are properly trained and available. Therefore, the legislature intends to establish a mechanism to provide the necessary training of prosecutors, law enforcement investigators, defense attorneys, and victim advocates and ensure the availability of victim advocates for victims of sexual assault and their families." [1991 c 267 § 1.]

Effective date--1991 c 267: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 267 § 7.]

RCW 43.101.280 Ethnic and cultural diversity--Development of curriculum for understanding--Training.

Applicable Cases

The criminal justice training commission shall develop, in consultation with the administrator for the courts and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be developed by October 1, 1993. The commission shall ensure that ethnic and diversity training becomes an integral part of the training of law enforcement personnel so as to incorporate cultural sensitivity and awareness into the daily activities of law enforcement personnel.

[1993 c 415 § 4.]

Notes:

Intent--1993 c 415: See note following RCW 2.56.031.

Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030.

RCW 43.101.290 Training in crimes of malicious harassment.

Applicable Cases

The criminal justice training commission shall provide training for law enforcement officers in identifying, responding to, and reporting all violations of RCW 9A.36.080 and any other crimes of bigotry or bias.

[1993 c 127 § 5.]

Notes:

Severability--1993 c 127: See note following RCW 9A.36.078.

RCW 43.101.300 Juvenile runaways--Policy manual.

Applicable Cases

The criminal justice training commission shall ensure that every law enforcement agency in the state has an accurate and up-to-date policy manual describing the statutes relating to juvenile runaways.

[1994 sp.s. c 7 § 509.]

Notes:

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

RCW 43.101.310 Board on law enforcement training standards and education--Board on correctional training standards--Created--Purpose.

Applicable Cases

(1) Two separate training standards and education boards are created and established, to be known and designated as (a) the board on law enforcement training standards and education and (b) the board on correctional training standards and education.

(2) The purpose of the board on law enforcement training standards and education is to review and recommend to the commission programs and standards for the training and education of law enforcement personnel.

(3) The purpose of the board on correctional training standards and education is to review

and recommend to the commission programs and standards for the training and education of correctional personnel.

[1997 c 351 § 2.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.315 Boards--Membership.

Applicable Cases

(1) The board on law enforcement training standards and education consists of thirteen members, appointed by the executive director and subject to approval by the commission. Members must be selected as follows: (a) Three must represent county law enforcement agencies, at least two of whom must be incumbent sheriffs; (b) three must represent city police agencies, at least two of whom must be incumbent police chiefs, one of whom shall be from a city under five thousand; (c) one must represent community colleges; (d) one must represent the four-year colleges and universities; (e) four must represent the council of police officers, two of whom must be training officers; and (f) one must represent tribal law enforcement in Washington. The six officers under (a) and (b) of this subsection may be appointed by the executive director only after the Washington association of sheriffs and police chiefs provides the director with the names of qualified officers. The four officers under (e) of this subsection may be appointed by the executive director only after the council of police officers provides the director with the names of qualified officers.

(2) The board on correctional training standards and education consists of fourteen members, appointed by the executive director and subject to approval by the commission. Members must be selected as follows: (a) Three must be employed in the state correctional system; (b) three must be employed in county correctional systems; (c) two must be employed in juvenile corrections or probation, one at the local level and the other at the state level; (d) two must be employed in community corrections; (e) one must represent community colleges; (f) one must represent four-year colleges and universities; and (g) two must be additional persons with experience and interest in correctional training standards and education. At least one of the members appointed under (a) of this subsection and at least one of the members appointed under (b) of this subsection must be currently employed as front line correctional officers.

[1997 c 351 § 3.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.320 Boards--Terms of members.

Applicable Cases

All members of each of the training standards and education boards must be appointed for terms of six years, commencing on July 1st, and expiring on June 30th. However, of the members first appointed three will serve for terms of two years, four will serve for terms of four

years, and four will serve for terms of six years. A member chosen to fill a vacancy that has been created other than by expiration of a term must be appointed for the unexpired term of the member to be succeeded. A member may be reappointed for additional terms.

[1997 c 351 § 4.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.325 Termination of membership upon termination of qualifying office or employment.

Applicable Cases

A member of either board appointed under RCW 43.101.315 as an incumbent official or because of employment status, ceases to be a member of the board immediately upon the termination of the holding of the qualifying office or employment.

[1997 c 351 § 5.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.330 Boards--Chairs--Quorum.

Applicable Cases

Each training standards and education board shall elect a chair and vice-chair from among its members. A simple majority of the members of a training standards and education board constitutes a quorum. The commission shall summon each of the training standards and education boards to its first meeting.

[1997 c 351 § 6.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.335 Boards--Travel expenses.

Applicable Cases

Members of the training standards and education boards may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

[1997 c 351 § 7.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.340 Boards--Powers--Report to commission.

Applicable Cases

The training standards and education boards have the following powers:

- (1) To meet at such times and places as they may deem proper;
- (2) To adopt bylaws for the conduct of their business as deemed necessary by each board;

(3) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, or city government, and commissions affected by or concerned with the business of the commission;

(4) To do any and all things necessary or convenient to enable them fully and adequately to perform their duties and to exercise the powers granted to them;

(5) To advise the commission of the training and education needs of criminal justice personnel within their specific purview;

(6) To recommend to the commission standards for the training and education of criminal justice personnel within their specific purview;

(7) To recommend to the commission minimum curriculum standards for all training and education programs conducted for criminal justice personnel within their specific purview;

(8) To recommend to the commission standards for instructors of training and education programs for criminal justice personnel within their specific purview;

(9) To recommend to the commission alternative, innovative, and interdisciplinary training and education techniques for criminal justice personnel within their specific purview;

(10) To review and recommend to the commission the approval of training and education programs for criminal justice personnel within their specific purview;

(11) To monitor and evaluate training and education programs for criminal justice personnel with [within] their specific purview.

Each training standards and education board shall report to the commission at the end of each fiscal year on the effectiveness of training and education programs for criminal justice personnel within its specific purview.

[1997 c 351 § 8.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.345 Recommendations of boards--Review by commission.

Applicable Cases

For the purpose of raising the level of competence of criminal justice personnel, the commission shall review the recommendations of training standards and education boards made under RCW 43.101.340.

[1997 c 351 § 9.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.350 Core training requirements.

Applicable Cases

(1) All law enforcement personnel initially hired to, transferred to, or promoted to a supervisory or management position on or after January 1, 1999, shall, within the first six months of entry into the position, successfully complete the core training requirements prescribed by rule

of the commission for the position, or obtain a waiver or extension of the core training requirements from the commission.

(2) Within one year after completion of the core training requirements of this section, all law enforcement personnel shall successfully complete all remaining requirements for career level certification prescribed by rule of the commission applicable to their position or rank, or obtain a waiver or extension of the career level training requirements from the commission.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for attendees who do not live within fifty miles of the training center. The training shall be delivered in the least disruptive manner to local law enforcement agencies, and will include but not be limited to regional on-site training, interactive training, and credit for training given by the home department.

(4) Nothing in this section affects or impairs the employment status of an employee whose employer does not provide the opportunity to engage in the required training.

[1997 c 351 § 10.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.360 Report to the legislature.

Applicable Cases

By January 1st of every odd-numbered year, the commission shall provide a written report to the legislature addressing the following items: (1) Status and satisfaction of service to its clients; (2) detailed analysis of how it will maintain and update adequate state-of-the-art training models and their delivery in the most cost-effective and efficient manner; and (3) fiscal data projecting its current and future funding requirements.

[1997 c 351 § 11.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.370 Child abuse and neglect--Intensive training.

Applicable Cases

Each year the criminal justice training commission shall offer an intensive training session on investigation of child abuse and neglect. The training shall focus on the investigative duties of law enforcement established under chapter 26.44 RCW with particular emphasis placed on child interview techniques to increase the accuracy of statements taken from children and decrease the need for additional interviews.

[1997 c 351 § 12.]

Notes:

Severability--Effective date--1997 c 351: See notes following RCW 43.101.200.

RCW 43.101.900 Severability--1974 ex.s. c 94.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 94 § 20.]

Chapter 43.103 RCW WASHINGTON STATE FORENSIC INVESTIGATIONS COUNCIL

RCW

43.103.010	Purposes.
43.103.020	Definitions.
43.103.030	Council created--Powers and duties.
43.103.040	Membership of council--Appointment.
43.103.050	Terms of members--Vacancies.
43.103.060	Qualification for continued membership.
43.103.070	Chair--Quorum--Meetings.
43.103.080	Travel expenses.
43.103.090	Powers.
43.103.100	Sudden infant death syndrome--Training.
43.103.900	Severability--1983 1st ex.s. c 16.
43.103.901	Effective date--1983 1st ex.s. c 16.

Notes:

Jury source list--Master jury list--Creation--Adoption of rules for implementation of methodology and standards by agencies: RCW 2.36.054 and 2.36.0571.

RCW 43.103.010 Purposes.

Applicable Cases

The purposes of *this act are declared by the legislature to be as follows:

(1) To preserve and enhance the state crime laboratory and state toxicology laboratory, which are essential parts of the criminal justice and death investigation systems in the state of Washington;

(2) To fund the death investigation system and to make related state and local institutions more efficient;

(3) To provide resources necessary for the performance, by qualified pathologists, of autopsies which are also essential to the criminal justice and death investigation systems of this state and its counties;

(4) To improve the performance of death investigations and the criminal justice system through the formal training of county coroners and county medical examiners;

(5) To establish and maintain a dental identification system; and

(6) To provide flexibility so that any county may establish a county morgue when it

serves the public interest.

[1999 c 40 § 2; 1995 c 398 § 2; 1983 1st ex.s. c 16 § 1.]

Notes:

***Reviser's note:** "This act" consists of the enactment of RCW 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.060, 43.103.070, 43.103.080, 43.103.090, 43.103.900, 43.103.901, 43.79.445, 68.08.350, 68.08.355, and 68.08.360, an appropriation section, and a temporary section (uncodified); and the 1983 1st ex.s. c 16 amendments to RCW 68.08.107, 43.20A.630, 43.101.090, 43.101.100, 68.08.104, and 68.12.010.

Effective date--1999 c 40: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 40 § 9.]

RCW 43.103.020 Definitions.

Applicable Cases

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the Washington state forensic investigations council.

(2) "Crime laboratory" means the Washington state patrol crime laboratory system created in RCW 43.43.670 and under the bureau of forensic laboratory services of the Washington state patrol.

(3) "State toxicology laboratory" means the Washington state toxicology laboratory and under the bureau of forensic laboratory services of the Washington state patrol.

[1999 c 40 § 3; 1995 c 398 § 3; 1983 1st ex.s. c 16 § 2.]

Notes:

Effective date--1999 c 40: See note following RCW 43.103.010.

RCW 43.103.030 Council created--Powers and duties.

Applicable Cases

There is created the Washington state forensic investigations council. The council shall oversee the bureau of forensic laboratory services and, in consultation with the chief of the Washington state patrol or the chief's designee, control the operation and establish policies of the bureau of forensic laboratory services. The council may also study and recommend cost-efficient improvements to the death investigation system in Washington and report its findings to the legislature.

Further, the council shall, jointly with the chairperson of the pathology department of the University of Washington's School of Medicine, or the chairperson's designee, oversee the state forensic pathology fellowship program, determine the budget for the program and set the fellow's annual salary, and take those steps necessary to administer the program.

The forensic investigations council shall be actively involved in the preparation of the bureau of forensic laboratory services budget and shall approve the bureau of forensic laboratory services budget prior to its formal submission to the office of financial management pursuant to RCW 43.88.030.

[1999 c 40 § 4; 1995 c 398 § 4; 1991 c 176 § 2; 1983 1st ex.s. c 16 § 3.]

Notes:

Effective date--1999 c 40: See note following RCW 43.103.010.
Forensic pathology fellowship program: RCW 28B.20.426.

RCW 43.103.040 Membership of council--Appointment.

Applicable Cases

The council shall consist of twelve members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; the chief of the state patrol; two members of a county legislative authority; one pathologist who is currently in private practice; and two members of a city legislative authority.

The governor shall appoint members to the council from among the nominees submitted for each position as follows: The Washington association of county officials shall submit two nominees each for the coroner position and the medical examiner position; the Washington state association of counties shall submit two nominees each for the two county legislative authority positions; the association of Washington cities shall submit two nominees each for the two city legislative authority positions; the Washington association of prosecuting attorneys shall submit two nominees each for the county prosecutor-ex officio county coroner and for the county prosecutor position; the Washington association of sheriffs and police chiefs shall submit two nominees each for the county sheriff position and the chief of police position; and the Washington association of pathologists shall submit two nominees for the private pathologist position.

[1995 c 398 § 5; 1983 1st ex.s. c 16 § 4.]

RCW 43.103.050 Terms of members--Vacancies.

Applicable Cases

All members of the council are appointed for terms of four years, commencing on July 1 and expiring on June 30. However, of the members appointed to the council, five shall be appointed for two-year terms and six shall be appointed for four-year terms. A person chosen to fill a vacancy created other than by the natural expiration of a member's term shall be nominated and appointed as provided in RCW 43.103.040 for the unexpired term of the member he or she is to succeed. Any member may be reappointed for additional terms.

[1995 c 398 § 6; 1983 1st ex.s. c 16 § 5.]

RCW 43.103.060 Qualification for continued membership.

Applicable Cases

Any member of the council shall immediately cease to be a member if he or she ceases to hold the particular office or employment which was the basis of his or her appointment under RCW 43.103.040.

[1983 1st ex.s. c 16 § 6.]

RCW 43.103.070 Chair--Quorum--Meetings.

Applicable Cases

The council shall elect a chair and a vice chair from among its members. The chair shall not vote except in case of a tie vote. Seven members of the council shall constitute a quorum. The governor shall summon the council to its first meeting. Otherwise, meetings may be called by the chair and shall be called by him or her upon the written request of five members of the council. Conference calls by telephone are a proper form of meeting.

[1995 c 398 § 7; 1983 1st ex.s. c 16 § 7.]

RCW 43.103.080 Travel expenses.

Applicable Cases

(1) Members of the council shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) Attendance at meetings of the council shall constitute performance by a council member of the duties of his or her employment or office.

[1983 1st ex.s. c 16 § 8.]

RCW 43.103.090 Powers.

Applicable Cases

(1) The council may:

(a) Meet at such times and places as may be designated by a majority vote of the council members or, if a majority cannot agree, by the chair;

(b) Adopt rules governing the council and the conduct of its meetings;

(c) Require reports from the chief of the Washington state patrol on matters pertaining to the bureau of forensic laboratory services;

(d) Authorize the expenditure of up to two hundred fifty thousand dollars per biennium from the council's death investigations account appropriation for the purpose of assisting local jurisdictions in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions. The council shall adopt rules consistent with this subsection for the purposes of authorizing expenditure of the funds;

(e) Do anything, necessary or convenient, which enables the council to perform its duties and to exercise its powers; and

(f) Be actively involved in the preparation of the bureau of forensic laboratory services budget and approve the bureau of forensic laboratory services budget prior to formal submission to the office of financial management pursuant to RCW 43.88.030.

(2) The council shall:

(a) Prescribe qualifications for the position of director of the bureau of forensic laboratory services, after consulting with the chief of the Washington state patrol. The council shall submit to the chief of the Washington state patrol a list containing the names of up to three persons who

the council believes meet its qualifications to serve as director of the bureau of forensic laboratory services. Minimum qualifications for the director of the bureau of forensic laboratory services must include successful completion of a background investigation and polygraph examination. If requested by the chief of the Washington state patrol, the forensic investigations council shall submit one additional list of up to three persons who the forensic investigations council believes meet its qualifications. The appointment must be from one of the lists of persons submitted by the forensic investigations council, and the director of the bureau of forensic laboratory services shall report to the office of the chief of the Washington state patrol;

(b) After consulting with the chief of the Washington state patrol and the director of the bureau of forensic laboratory services, the council shall appoint a toxicologist as state toxicologist, who shall report to the director of the bureau of forensic laboratory services. The appointee shall meet the minimum standards for employment with the Washington state patrol including successful completion of a background investigation and polygraph examination;

(c) Establish, after consulting with the chief of the Washington state patrol, the policies, objectives, and priorities of the bureau of forensic laboratory services, to be implemented and administered within constraints established by budgeted resources by the director of the bureau of forensic laboratory services;

(d) Set the salary for the director of the bureau of forensic laboratory services; and

(e) Set the salary for the state toxicologist.

[1999 c 142 § 1; 1999 c 40 § 5; 1995 c 398 § 8; 1983 1st ex.s. c 16 § 9.]

Notes:

Reviser's note: This section was amended by 1999 c 40 § 5 and by 1999 c 142 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 40: See note following RCW 43.103.010.

RCW 43.103.100 Sudden infant death syndrome--Training.

Applicable Cases

The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

(1) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

(2) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome;

(3) Development and adoption of an up-to-date protocol of investigation in cases of sudden, unexplained child death, including the importance of a consistent policy of thorough death scene investigation, and an autopsy in unresolved cases as appropriate;

(4) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to

achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS Northwest Regional Center at Children's Hospital, the Washington chapter of the national SIDS foundation, and the Washington association of county officials.

Upon development of an appropriate curriculum, agreed upon by the council, the training module shall be offered to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, both voluntarily through their various associations and as a course offering at the criminal justice training center.

[1991 c 176 § 6.]

Notes:

Finding--Declaration--1991 c 176: "The legislature finds and declares that sudden and unexplained child deaths are a leading cause of death for children under age three. The public interest is served by research and study of the potential causes and indications of such unexplained child deaths and the prevention of inaccurate and inappropriate designation of sudden infant death syndrome (SIDS) as a cause of death. The legislature further finds and declares that law enforcement officers, fire fighters, emergency medical technicians, and other first responders in emergency situations are not adequately informed regarding sudden, unexplained death in young children including but not limited to sudden infant death syndrome, its signs and typical history, and as a result may compound the family and child care provider's grief through conveyed suspicions of a criminal act. Coroners, investigators, and prosecuting attorneys are also in need of updated training on the identification of unexplained death in children under the age of three, including but not limited to sudden infant death syndrome awareness and sensitivity and the establishment of a state-wide uniform protocol in cases of sudden, unexplained child death." [1991 c 176 § 5.]

RCW 43.103.900 Severability--1983 1st ex.s. c 16.

Applicable Cases

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

[1983 1st ex.s. c 16 § 23.]

RCW 43.103.901 Effective date--1983 1st ex.s. c 16.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1983.

[1983 1st ex.s. c 16 § 24.]

**Chapter 43.105 RCW
DEPARTMENT OF INFORMATION SERVICES**

(Formerly Data processing and communications systems)

Revised Code of Washington, 1999

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RCW 43.105.005 Purpose.

Applicable Cases

It is a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems,

telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

[1990 c 208 § 1; 1987 c 504 § 1.]

RCW 43.105.017 Legislative intent.

Applicable Cases

It is the intent of the legislature that:

- (1) State government use voice, data, and video telecommunications technologies to:
 - (a) Transmit and increase access to live, interactive classroom instruction and training;
 - (b) Provide for interactive public affairs presentations, including a public forum for state and local issues;
 - (c) Facilitate communications and exchange of information among state and local elected officials and the general public;
 - (d) Enhance state-wide communications within state agencies; and
 - (e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;
- (2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;
- (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency head;
- (4) Resources be used in the most efficient manner and services be shared when cost-effective;
- (5) A structure be created to:
 - (a) Plan and manage telecommunications and computing networks;
 - (b) Increase agencies' awareness of information sharing opportunities; and
 - (c) Assist agencies in implementing such possibilities;
- (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;
- (7) To the greatest extent possible, major information technology projects be implemented on an incremental basis;
- (8) The state maximize opportunities to exchange and share data and information by moving toward implementation of open system architecture based upon interface standards providing for application and data portability and interoperability;
- (9) To the greatest extent possible, the state recognize any price performance advantages which may be available in midrange and personal computing architecture;
- (10) The state improve recruitment, retention, and training of professional staff;
- (11) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(12) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

[1992 c 20 § 6; (1995 2nd sp.s. c 14 § 511 expired June 30, 1997); 1990 c 208 § 2; 1987 c 504 § 2.]

Notes:

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: "Sections 511 through 523 and 528 through 533 of this act expire June 30, 1997." [1995 2nd sp.s. c 14 § 536.]

Effective dates--1995 2nd sp.s. c 14: "(1) Except for sections 514 through 524 and 539 through 556 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995.

(2) Sections 514 through 524 of this act shall take effect January 1, 1996." [1995 2nd sp.s. c 14 § 562.]

Severability--1995 2nd sp.s. c 14: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 2nd sp.s. c 14 § 561.]

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.020 Definitions.

Applicable Cases

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the director of the department;

(5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) "Information services" means data processing, telecommunications, and office automation;

(10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology investments;

(12) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources;

(13) "Proprietary software" means that software offered for sale or license;

(14) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(15) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(16) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(17) "K-20 network" means the network established in RCW 43.105.820;

(18) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

[1999 c 285 § 1; 1999 c 80 § 1; 1993 c 280 § 78; 1990 c 208 § 3; 1987 c 504 § 3; 1973 1st ex.s. c 219 § 3; 1967 ex.s. c 115 § 2.]

Notes:

Reviser's note: This section was amended by 1999 c 80 § 1 and by 1999 c 285 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Effective date--1967 ex.s. c 115: "This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1967." [1967 ex.s. c 115 § 8.]

RCW 43.105.032 Information services

board--Members--Chairperson--Vacancies--Quorum--Compensation and travel expenses.

Applicable Cases

There is hereby created the Washington state information services board. The board shall be composed of fifteen members. Eight members shall be appointed by the governor, one of whom shall be a representative of higher education, one of whom shall be a representative of an agency under a state-wide elected official other than the governor, and two of whom shall be representatives of the private sector. One member shall represent the judicial branch and be

appointed by the chief justice of the supreme court. One member shall be the superintendent of public instruction or shall be appointed by the superintendent of public instruction. Two members shall represent the house of representatives and shall be selected by the speaker of the house of representatives with one representative chosen from each caucus of the house of representatives; two members shall represent the senate and shall be appointed by the president of the senate with one representative chosen from each caucus of the senate. One member shall be the director who shall be a voting member of the board. These members shall constitute the membership of the board with full voting rights. Members of the board shall serve at the pleasure of the appointing authority. The board shall select a chairperson from among its members.

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

[1999 c 241 § 2; 1996 c 137 § 10; 1992 c 20 § 8; 1987 c 504 § 4; 1984 c 287 § 86; 1975-'76 2nd ex.s. c 34 § 128; 1973 1st ex.s. c 219 § 5.]

Notes:

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Development of health care data standards: RCW 43.70.054.

RCW 43.105.041 Powers and duties of board.

Applicable Cases

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop state-wide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions,

educational service districts, or state-wide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

(i) To review and approve that portion of the department's budget requests that provides for support to the board.

(2) State-wide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

§ 512 expired June 30, 1997); 1990 c 208 § 6; 1987 c 504 § 5; 1983 c 3 § 115; 1973 1st ex.s. c 219 § 6.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Expiration date--1996 c 171 § 7: "Section 7 of this act expires June 30, 1997." [1996 c 171 § 20.]

Effective date--1996 c 137 § 12: "Section 12 of this act shall take effect June 30, 1997." [1996 c 137 § 18.]

Expiration date--1996 c 137 § 11: "Section 11 of this act expires June 30, 1997." [1996 c 137 § 17.]

Application--1996 c 137: See note following RCW 43.105.830.

RCW 43.105.047 Department created--Appointment of director--Director's duties.

Applicable Cases

There is created the department of information services. The department shall be headed by a director appointed by the governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. The director shall:

- (1) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the department;
- (2) Maintain and fund a strategic planning and policy component separate from the services component of the department;
- (3) Appoint, after consulting with the board, the assistant or deputy director for the planning component;
- (4) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter;
- (5) Report to the governor and the board any matters relating to abuses and evasions of this chapter; and
- (6) Recommend statutory changes to the governor and the board.

[1999 c 80 § 5; 1992 c 20 § 9; 1987 c 504 § 6.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

Civil service exemptions: RCW 41.06.094.

RCW 43.105.052 Powers and duties of department.

Applicable Cases

The department shall:

- (1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:
 - (a) The review of agency information technology portfolios and related requests; and
 - (b) Implementation of state-wide and interagency policies, standards, and guidelines;
- (2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:
 - (a) Telecommunications services for voice, data, and video;
 - (b) Mainframe computing services;

- (c) Support for departmental and microcomputer evaluation, installation, and use;
- (d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;
- (e) Facilities management services for information technology equipment, equipment repair, and maintenance service;
- (f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;
- (g) Office automation services;
- (h) System development services; and
- (i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer advisory board. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer advisory board. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the strategic planning and policy component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of state-wide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of the customer advisory board and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, information technology portfolios, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the strategic planning and policy component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

[1999 c 80 § 6; 1993 c 281 § 53; 1992 c 20 § 10; 1990 c 208 § 7; 1987 c 504 § 8.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.055 Advisory committees--Customer advisory board.

Applicable Cases

(1) The director shall appoint advisory committees to assist the department. Advisory committees shall include, but are not limited to, the customer advisory board.

(2) The customer advisory board shall provide the department with advice concerning the type, quality, and cost of the department's services. The customer advisory board and its membership shall be determined by the director to assure that all services are subject to advice from a representative selection of customers. At least annually, these committees shall meet to recommend, review, and comment on the service goals and objectives of the department and the budgets for operations of those services and the rates to be charged for those services. The advisory board may call upon the board to resolve disputes between agencies and the department which may arise with regard to service offerings, budgets, or rates.

(3) The customer advisory board may be convened by a majority of its members, by its chair, or by the director.

[1999 c 80 § 7; 1987 c 504 § 9.]

RCW 43.105.057 Rule-making authority.

Applicable Cases

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this chapter.

[1992 c 20 § 11; 1990 c 208 § 13.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.060 Contracts by state and local agencies with department.

Applicable Cases

State and local government agencies are authorized to enter into any contracts with the department or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter.

[1987 c 504 § 10; 1973 1st ex.s. c 219 § 9; 1967 ex.s. c 115 § 6.]

Notes:

Effective date--1967 ex.s. c 115: See note following RCW 43.105.020.

RCW 43.105.070 Confidential or privileged information.

Applicable Cases

This chapter shall in no way affect or impair any confidence or privilege imposed by law. Confidential or privileged information shall not be subject to submittal to the common data bank: PROVIDED, That where statistical information can be derived from such classified material without violating any such confidence, the submittal of such statistical material may be required.

[1969 ex.s. c 212 § 4.]

RCW 43.105.080 Data processing revolving fund--Created--Use.

Applicable Cases

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of personnel's personnel information systems division, the office of financial management's financial systems management group, and other users as jointly determined by the department and the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. Disbursements from the revolving fund for the services component of the department are not

subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

[1999 c 80 § 8; 1992 c 235 § 6; 1987 c 504 § 11; 1983 c 3 § 116; 1974 ex.s. c 129 § 1.]

RCW 43.105.095 Management and oversight structure.

Applicable Cases

(1) Under the direction of the board, the department shall develop policies and procedures to implement a management and oversight structure based on the use of information technology portfolios.

(2) These policies and procedures shall support and conform to:

(a) The state strategic information technology plan developed under RCW 43.105.160(1) and *43.105.172; and

(b) Technology standards established by the board.

[1999 c 80 § 3.]

Notes:

***Reviser's note:** The reference to RCW 43.105.172 appears to be erroneous because it concerns information technology portfolios.

RCW 43.105.105 Information technology decisions and plans.

Applicable Cases

An agency information technology portfolio shall serve as the basis for making information technology decisions and plans including:

(1) System refurbishment, acquisitions, and development efforts;

(2) Setting goals and objectives for using information technology;

(3) Assessments of information processing performance, resources, and capabilities;

(4) Ensuring the appropriate transfer of technological expertise for the operation of new systems developed using external resources; and

(5) Progress toward providing electronic access to public information.

[1999 c 80 § 4.]

RCW 43.105.160 Strategic information technology plan--Biennial state performance report on information technology.

Applicable Cases

(1) The department shall prepare a state strategic information technology plan which shall establish a state-wide mission, goals, and objectives for the use of information technology,

including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor, the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives, and, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the approved plan must be submitted to the legislative transportation committee, instead of the standing transportation committees.

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190;

(e) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

(f) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor, the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives, and, during the legislative session, the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the report must be submitted to the legislative transportation committee, instead of the standing transportation committees.

[1999 c 80 § 9; 1998 c 177 § 3; 1996 c 171 § 9; 1992 c 20 § 1.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Severability--1992 c 20: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1992 c 20 § 14.]

Captions not law--1992 c 20: "Captions used in this act do not constitute any part of the law." [1992 c 20 § 16.]

RCW 43.105.170 Information technology portfolios--Contents--Performance reports.

Applicable Cases

(1) Each agency shall develop an information technology portfolio consistent with *RCW 43.105.095. The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and state-wide or regional providers of K-12 education information technology services.

(2) Agency portfolios shall include, but not be limited to, the following:

(a) A baseline assessment of the agency's information technology resources and capabilities that will serve as the benchmark for subsequent planning and performance measures;

(b) A statement of the agency's mission, goals, and objectives for information technology, including goals and objectives for achieving electronic access to agency records, information, and services;

(c) An explanation of how the agency's mission, goals, and objectives for information technology support and conform to the state strategic information technology plan developed under RCW 43.105.160;

(d) An implementation strategy to provide electronic access to public records and information. This implementation strategy must be assembled to include:

(i) Compliance with Title 40 RCW;

(ii) Adequate public notice and opportunity for comment;

(iii) Consideration of a variety of electronic technologies, including those that help transcend geographic locations, standard business hours, economic conditions of users, and disabilities;

(iv) Methods to educate both state employees and the public in the effective use of access technologies;

(e) Projects and resources required to meet the objectives of the portfolio; and

(f) Where feasible, estimated schedules and funding required to implement identified projects.

(3) Portfolios developed under subsection (1) of this section shall be submitted to the department for review and forwarded along with the department's recommendations to the board for review and approval. The board may reject, require modification to, or approve portfolios as deemed appropriate by the board. Portfolios submitted under this subsection shall be updated and submitted for review and approval as necessary.

(4) Each agency shall prepare and submit to the department a biennial performance report that evaluates progress toward the objectives articulated in its information technology portfolio. The superintendent of public instruction shall develop its portfolio in conjunction with educational service districts and state-wide or regional providers of K-12 education information technology services. The report shall include:

(a) An evaluation of the agency's performance relating to information technology;

(b) An assessment of progress made toward implementing the agency information technology portfolio;

(c) Progress toward electronic access to public information and enabling citizens to have two-way interaction for obtaining information and services from agencies; and

(d) An inventory of agency information services, equipment, and proprietary software.

(5) The department, with the approval of the board, shall establish standards, elements, form, and format for plans and reports developed under this section.

(6) Agency activities to increase electronic access to public records and information, as required by this section, must be implemented within available resources and existing agency planning processes.

(7) The board may exempt any agency from any or all of the requirements of this section.

[1999 c 80 § 10. Prior: 1996 c 171 § 10; 1996 c 137 § 13; 1992 c 20 § 2.]

Notes:

***Reviser's note:** The reference to RCW 43.105.095 appears to be erroneous. RCW 43.105.172 was apparently intended.

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.172 Information technology portfolios.

Applicable Cases

Information technology portfolios shall reflect (1) links among an agency's objectives, business plan, and technology; (2) analysis of the effect of an agency's proposed new technology investments on its existing infrastructure and business functions; and (3) analysis of the effect of proposed information technology investments on the state's information technology infrastructure.

[1999 c 80 § 2.]

RCW 43.105.180 Budget request to be evaluated for information technology projects.

Applicable Cases

Upon request of the office of financial management, the department shall evaluate agency budget requests for major information technology projects identified under RCW 43.105.190, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or state-wide or regional providers of K-12 education information technology services. The department shall submit recommendations for funding all or part of such requests to the office of financial management.

The department, with the advice and approval of the office of financial management, shall establish criteria, consistent with portfolio-based information technology management, for the evaluation of agency budget requests under this section. These budget requests shall be made in the context of an agency's information technology portfolio; technology initiatives underlying budget requests are subject to board review. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with the state strategic information technology plan, consistency with information technology portfolios, appropriate provision for public electronic access to information and services, costs, and benefits.

[1999 c 80 § 11. Prior: 1996 c 171 § 11; 1996 c 137 § 14; 1992 c 20 § 3.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.190 Major information technology projects standards and policies--Project evaluation and reporting.

Applicable Cases

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or state-wide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or state-wide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing projects within their information technology portfolios. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by-phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3) The department shall evaluate projects based on the demonstrated business needs and benefits; cost; technology scope and feasibility; impact on the agency's information technology

portfolio and on the state-wide infrastructure; and final project implementation plan based upon available funding.

Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

If there are projects that receive funding from a transportation fund or account, copies of those projects' evaluations conducted under this subsection must be submitted, during the legislative session, to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives. During the legislative interim, the project evaluations must be submitted to the legislative transportation committee.

[1999 c 80 § 12; 1998 c 177 § 4; 1996 c 137 § 15; 1992 c 20 § 4.]

Notes:

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.200 Application to institutions of higher education.

Applicable Cases

In the case of institutions of higher education, the provisions of chapter 20, Laws of 1992, apply to business and administrative applications but do not apply to academic and research applications.

[1992 c 20 § 5.]

Notes:

Severability--Captions not law--1992 c 20: See notes following RCW 43.105.160.

RCW 43.105.210 Data processing expenditures--Authorization--Penalties.

Applicable Cases

No state agency may expend any moneys for major information technology projects subject to review by the department of information services under RCW 43.105.190 unless specifically authorized by the legislature. An intentional or negligent violation of this section constitutes a violation of RCW 43.88.290 and shall subject the head of the agency to forfeiture of office and other civil penalties as provided under RCW 43.88.300.

If the director of information services intentionally or negligently approved an expenditure in violation of this section, then all sanctions described in this section and RCW 43.88.300 shall also apply to the director of information services.

[1993 sp.s. c 1 § 903.]

Notes:

Severability--1993 sp.s. c 1: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 sp.s. c 1 § 904.]

Effective date--1993 sp.s. c 1: "This act is necessary for the immediate preservation of the public peace,

health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 18, 1993]." [1993 sp.s. c 1 § 905.]

RCW 43.105.250 Electronic access to public records--Findings--Intent.

Applicable Cases

Based upon the recommendations of the public information access policy task force, the legislature finds that government records and information are a vital resource to both government operations and to the public that government serves. Broad public access to state and local government records and information has potential for expanding citizen access to that information and for improving government services. Electronic methods for locating and transferring information can improve linkages between and among citizens, organizations, businesses, and governments. Information must be managed with great care to meet the objectives of citizens and their governments.

It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public.

[1996 c 171 § 1.]

Notes:

Captions not law--1996 c 171: "Section captions used in this act do not constitute any part of the law."

[1996 c 171 § 16.]

Effective dates--1996 c 171: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 28, 1996], except for section 8 of this act, which takes effect June 30, 1997." [1996 c 171 § 19.]

RCW 43.105.260 Electronic access to public records--Definitions.

Applicable Cases

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government" means every county, city, town, and every other municipal or quasi-municipal corporation.

(2) "Public record" means as defined in RCW 42.17.020 and chapter 40.14 RCW, and includes legislative records and court records that are available for public inspection.

(3) "State agency" includes every state office, department, division, bureau, board, and commission of the state, and each state elected official who is a member of the executive department.

[1996 c 171 § 2.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.270 Electronic access to public records--Planning.

Applicable Cases

Within existing resources, state agencies shall plan for and implement processes for making information available electronically. Public demand and agencies' missions and goals shall drive the selection and priorities for government information to be made available electronically. When planning for increased public electronic access, agencies should determine what information the public wants and needs most. Widespread public electronic access does not mean that all government information is able to be made available electronically.

(1) In planning for and implementing electronic access, state agencies shall:

(a) Where appropriate, plan for electronic public access and two-way electronic interaction when acquiring, redesigning, or rebuilding information systems;

(b) Focus on providing electronic access to current information, leaving archival material to be made available digitally as resources allow or as a need arises;

(c) Coordinate technology planning across agency boundaries in order to facilitate electronic access to vital public information;

(d) Develop processes to determine which information the public most wants and needs;

(e) Develop and employ methods to readily withhold or mask nondisclosable data.

(2) In planning or implementing electronic access and two-way electronic interaction and delivery technologies, state agencies and local governments are encouraged to:

(a) Increase their capabilities to receive information electronically from the public and to transmit forms, applications, and other communications and transactions electronically;

(b) Use technologies allowing public access throughout the state that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technological ability; and

(c) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities. In planning and implementing new public electronic access projects, agencies should consult with people who have disabilities, with disability access experts, and the general public.

(3) The final report of the public information access policy task force, "Encouraging Widespread Public Electronic Access to Public Records and Information Held by State and Local Governments," shall serve as a major resource for state agencies and local governments in planning and providing increased access to electronic public records and information.

[1996 c 171 § 5.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.280 Electronic access to public records--Costs and fees.

Applicable Cases

Funding to meet the costs of providing access, including the building of the necessary information systems, the digitizing of information, developing the ability to mask nondisclosable information, and maintenance and upgrade of information access systems should come primarily from state and local appropriations, federal dollars, grants, private funds, cooperative ventures among governments, nonexclusive licensing, and public/private partnerships. Agencies should

not offer customized electronic access services as the primary way of responding to requests or as a primary source of revenue. Fees for staff time to respond to requests, and other direct costs may be included in costs of providing customized access.

Agencies and local governments are encouraged to pool resources and to form cooperative ventures to provide electronic access to government records and information. State agencies are encouraged to seek federal and private grants for projects that provide increased efficiency and improve government delivery of information and services.

[1996 c 171 § 12.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.290 Electronic access to public records--Government information locator service pilot project.

Applicable Cases

The state library, with the assistance of the department of information services and the state archives, shall establish a pilot project to design and test an electronic information locator system, allowing members of the public to locate and access electronic public records. In designing the system, the following factors shall be considered: (1) Ease of operation by citizens; (2) access through multiple technologies, such as direct dial and toll-free numbers, kiosks, and the internet; (3) compatibility with private on-line services; and (4) capability of expanding the electronic public records included in the system. The pilot project may restrict the type and quality of electronic public records that are included in the system to test the feasibility of making electronic public records and information widely available to the public.

[1996 c 171 § 13.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.300 Education in use of technology encouraged.

Applicable Cases

State agencies and local governments are encouraged to provide education for their employees in the use and implementation of electronic technologies. State agencies are encouraged to make maximum use of the provisions of RCW 28B.15.558, and training offered by the state department of personnel, to maximize employee education in the creation, design, maintenance, and use of electronic information systems and improved customer service delivery.

[1996 c 171 § 14.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.310 Accuracy, integrity, and privacy of records and information.

Applicable Cases

State agencies and local governments that collect and enter information concerning individuals into electronic records and information systems that will be widely accessible by the public under RCW 42.17.020 shall ensure the accuracy of this information to the extent possible. To the extent possible, information must be collected directly from, and with the consent of, the individual who is the subject of the data. Agencies shall establish procedures for correcting inaccurate information, including establishing mechanisms for individuals to review information about themselves and recommend changes in information they believe to be inaccurate. The inclusion of personal information in electronic public records that is widely available to the public should include information on the date when the data base was created or most recently updated. If personally identifiable information is included in electronic public records that are made widely available to the public, agencies must follow retention and archival schedules in accordance with chapter 40.14 RCW, retaining personally identifiable information only as long as needed to carry out the purpose for which it was collected.

[1996 c 171 § 15.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

RCW 43.105.320 Departmental authority as certification authority for electronic authentication.

Applicable Cases

The department of information services may become a licensed certification authority, under chapter 19.34 RCW, for the purpose of providing services to agencies, local governments, and other entities and persons for purposes of official state business. The department is not subject to RCW 19.34.100(1)(a). The department shall only issue certificates, as defined in RCW 19.34.020, in which the subscriber is:

- (1) The state of Washington or a department, office, or agency of the state;
- (2) A city, county, district, or other municipal corporation, or a department, office, or agency of the city, county, district, or municipal corporation;
- (3) An agent or employee of an entity described by subsection (1) or (2) of this section, for purposes of official public business;
- (4) Any other person or entity engaged in matters of official public business, however, such certificates shall be limited only to matters of official public business. The department may issue certificates to such persons or entities only if after issuing a request for proposals from certification authorities licensed under chapter 19.34 RCW and review of the submitted proposals, makes a determination that such private services are not sufficient to meet the department's published requirements. The department must set forth in writing the basis of any such determination and provide procedures for challenge of the determination as provided by the state procurement requirements; or
- (5) An applicant for a license as a certification authority for the purpose of compliance with RCW 19.34.100(1)(a).

[1999 c 287 § 18; 1997 c 27 § 29.]

Notes:

Task force--Review--Expiration of section--1999 c 287: "(1) If the department of information services issues certificates to nongovernmental entities or individuals pursuant to section 18(4) of this act, the office of financial management shall convene a task force, which shall include both governmental and nongovernmental representatives, to review the practice of the state issuing certificates to nongovernmental entities or individuals for the purpose of conducting official public business. The task force shall prepare and submit its findings to the appropriate legislative committees by December 31, 2000.

(2) This section expires June 30, 2001." [1999 c 287 § 19.]

Effective date--1999 c 287: See note following RCW 19.34.010.

Effective date--Severability--1997 c 27: See notes following RCW 19.34.030.

RCW 43.105.800 K-20 educational network board.

Applicable Cases

The K-20 educational network board is created. The purpose of the K-20 board is to ensure that the K-20 educational telecommunications network is operated in a way that serves the broad public interest above the interest of any network user.

(1) The K-20 board shall comprise eleven voting and seven nonvoting members as follows:

(a) Voting members shall include: A person designated by the governor; one member of each caucus of the senate, appointed by the president of the senate; one member of each caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction or his or her designee; the executive director of the higher education coordinating board or his or her designee; the executive director of the state board for community and technical colleges or his or her designee; the chair of the information services board, or his or her designee; the director of the department of information services or his or her designee; and one citizen member.

The citizen member shall be appointed to a four-year term by the governor with the consent of the senate. The governor shall appoint the citizen member of the K-20 board by July 30, 1999.

(b) Nonvoting members shall include one community or technical college president, appointed by the state board for technical and community colleges; one president of a public baccalaureate institution, appointed by the council of presidents; the state librarian; one educational service district superintendent, one school district superintendent, and one representative of an approved private school, appointed by the superintendent of public instruction; and one representative of independent baccalaureate institutions, appointed by the Washington association of independent colleges and universities.

(2) The director of the department of information services or his or her designee shall serve as chair of the K-20 board. The department of information services shall provide staffing to the K-20 board. A majority of the voting members of the K-20 board shall constitute a quorum for the transaction of business.

(3) The citizen member of the K-20 board shall be compensated in accordance with RCW

43.03.250.

[1999 c 285 § 2.]

RCW 43.105.805 K-20 educational network board--Powers and duties.

Applicable Cases

The K-20 board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the K-20 board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 43.105.830 for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The K-20 board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. However, the information services board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

[1999 c 285 § 3.]

RCW 43.105.810 K-20 network technical steering committee.

Applicable Cases

The K-20 network technical steering committee is established, and shall report to the information services board.

(1) The committee consists of the following seven voting members: A representative of the higher education coordinating board, appointed by its executive director; a representative of the superintendent of public instruction, appointed by the superintendent of public instruction; a representative of the state board for community and technical colleges, appointed by its executive director; a representative of the educational services districts, appointed by that organization; a representative of the baccalaureate institutions, appointed by the council of presidents; a representative of the computer or telecommunications industry, appointed by the governor; and a representative of the department, appointed by the director. The committee includes as ex officio, nonvoting members, a representative of the organization that operates the K-20 network under RCW 43.105.815, appointed by that organization; the state librarian; a representative of the independent nonprofit institutions of higher education, appointed by the Washington association of independent colleges and universities; and such additional ex officio, nonvoting members as may be appointed by the information services board. The committee shall select a chair from among its members.

(2) The committee shall have general operational and technical oversight over the K-20 network, as delegated by the information services board.

(3) The department shall supply necessary staff support to the committee.

[1999 c 285 § 6.]

RCW 43.105.815 K-20 operations cooperative--Ongoing management.

Applicable Cases

The department shall maintain, in consultation with the network users and the board, the K-20 operations cooperative, which shall be responsible for day-to-day network management, technical network status monitoring, technical problem response coordination, and other duties as agreed to by the department, the educational sectors, and the information services board. Funding for the K-20 operations cooperative shall be provided from the K-20 revolving fund under RCW 43.105.835.

[1999 c 285 § 8.]

RCW 43.105.820 K-20 telecommunication system--Technical plan.

Applicable Cases

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the goals and objectives established under RCW 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of

public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, as prioritized by the K-20 telecommunications oversight and policy committee, or as modified by the board; (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The K-20 board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The K-20 board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

[1999 c 285 § 11; 1996 c 137 § 8. Formerly RCW 28D.02.070.]

Notes:

Effective date--Application--1996 c 137: See notes following RCW 43.105.830.

RCW 43.105.825 K-20 network--Oversight--Coordination of telecommunications planning.

Applicable Cases

(1) In overseeing the technical aspects of the K-20 network, the information services board is not intended to duplicate the statutory responsibilities of the higher education coordinating board, the superintendent of public instruction, the information services board, the state librarian, or the governing boards of the institutions of higher education.

(2) The board may not interfere in any curriculum or legally offered programming offered over the network.

(3) The coordination of telecommunications planning for institutions of higher education as defined in RCW 28B.10.016 remains the responsibility of the higher education coordinating board under RCW 28B.80.600. The board may recommend, but not require, revisions to the higher education coordinating board's telecommunications plan.

(4) The responsibility to review and approve standards and common specifications for the network remains the responsibility of the information services board under RCW 43.105.041.

(5) The coordination of telecommunications planning for the common schools remains the responsibility of the superintendent of public instruction. Except as set forth in RCW 43.105.041(1)(d), the board may recommend, but not require, revisions to the superintendent's telecommunications plans.

[1999 c 285 § 7.]

RCW 43.105.830 K-20 technology account.

Applicable Cases

The K-20 technology account is hereby created in the state treasury. The department of information services shall deposit into the account moneys received from legislative appropriations, gifts, grants, and endowments for the buildout and installation of the K-20 telecommunication system. The account shall be subject to appropriation and may be expended solely for the K-20 telecommunication system. Disbursements from the account shall be on authorization of the director of the department of information services with approval of the board.

[1999 c 285 § 9; 1997 c 180 § 2; 1996 c 137 § 7. Formerly RCW 28D.02.060.]

Notes:

Effective date--1997 c 180: See note following RCW 43.105.835.

Effective date--1996 c 137: "Sections 1 through 11 and 13 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 25, 1996]." [1996 c 137 § 19.]

Application--1996 c 137: "Nothing in this act shall prevent the ongoing maintenance and operation of existing telecommunications and information systems or programs." [1996 c 137 § 20.]

RCW 43.105.835 Education technology revolving fund.

Applicable Cases

(1) The education technology revolving fund is created in the custody of the state treasurer. All receipts from billings under subsection (2) of this section must be deposited in the revolving fund. Only the director of the department of information services or the director's designee may authorize expenditures from the fund. The revolving fund shall be used to pay for network operations, transport, equipment, software, supplies, and services, maintenance and depreciation of on-site data, and shared infrastructure, and other costs incidental to the development, operation, and administration of shared educational information technology services, telecommunications, and systems. The revolving fund shall not be used for the acquisition, maintenance, or operations of local telecommunications infrastructure or the maintenance or depreciation of on-premises video equipment specific to a particular institution or group of institutions.

(2) The revolving fund and all disbursements from the revolving fund are subject to the allotment procedure under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department of information services shall, in consultation with entities connected to the network under RCW 43.105.820 and subject to the review and approval of the office of financial management, establish and implement a billing structure for network services identified in subsection (1) of this section.

(3) The department shall charge those public entities connected to the K-20 telecommunications [telecommunication system] under RCW 43.105.820 an annual copayment

per unit of transport connection as determined by the legislature after consideration of the K-20 board's recommendations. This copayment shall be deposited into the revolving fund to be used for the purposes in subsection (1) of this section. It is the intent of the legislature to appropriate to the revolving fund such moneys as necessary to cover the costs for transport, maintenance, and depreciation of data equipment located at the individual public institutions, maintenance and depreciation of the network backbone, and services provided to the network under RCW 43.105.815.

[1999 c 285 § 10; 1997 c 180 § 1. Formerly RCW 28D.02.065.]

Notes:

Effective date--1997 c 180: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 23, 1997]." [1997 c 180 § 3.]

RCW 43.105.900 Severability--1973 1st ex.s. c 219.

Applicable Cases

If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 1st ex.s. c 219 § 10.]

RCW 43.105.901 Severability--1987 c 504.

Applicable Cases

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

[1987 c 504 § 25.]

RCW 43.105.902 Effective date--1987 c 504.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

[1987 c 504 § 26.]

RCW 43.105.903 Effective date--1999 c 285.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999.

[1999 c 285 § 14.]

RCW 43.105.904 Actions of telecommunications oversight and policy committee--Savings--1999 c 285.

Applicable Cases

Actions of the telecommunications oversight and policy committee in effect on June 30, 1999, shall remain in effect thereafter unless modified or repealed by the K-20 board.

[1999 c 285 § 4.]

**Chapter 43.110 RCW
MUNICIPAL RESEARCH COUNCIL**

RCW

- 43.110.010 Council created--Membership--Terms--Travel expenses.
- 43.110.020 Transmission of funds to council from general fund for allocation--Contracts--Purposes.
- 43.110.030 Municipal research and services.
- 43.110.040 Local government regulation and policy handouts--Technical assistance.
- 43.110.050 County research services account.

RCW 43.110.010 Council created--Membership--Terms--Travel expenses.

Applicable Cases

There shall be a state agency which shall be known as the municipal research council. The council shall be composed of twenty-three members. Four members shall be appointed by the president of the senate, with equal representation from each of the two major political parties; four members shall be appointed by the speaker of the house of representatives, with equal representation from each of the two major political parties; one member shall be appointed by the governor independently; nine members, who shall be city or town officials, shall be appointed by the governor from a list of nine nominees submitted by the board of directors of the association of Washington cities; and five members, who shall be county officials, shall be appointed by the governor, two of whom shall be from a list of two nominees submitted by the board of directors of the Washington association of county officials, and three of whom shall be from a list of three nominees submitted by the board of directors of the Washington state association of counties. Of the city or town officials, at least one shall be an official of a city having a population of twenty thousand or more; at least one shall be an official of a city having a population of one thousand five hundred to twenty thousand; and at least one shall be an official of a town having a population of less than one thousand five hundred.

The terms of members shall be for two years. The terms of those members who are appointed as legislators or city, town, or county officials shall be dependent upon continuance in legislative, city, town, or county office. The terms of all members except legislative members shall commence on the first day of August in every odd-numbered year. The speaker of the house of representatives and the president of the senate shall make their appointments on or before the third Monday in January in each odd-numbered year, and the terms of the members thus appointed shall commence on the third Monday of January in each odd-numbered year.

Council members shall receive no compensation but shall be reimbursed for travel

expenses at rates in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, except that members of the council who are also members of the legislature shall be reimbursed at the rates provided by RCW 44.04.120.

[1997 c 437 § 1; 1990 c 104 § 1; 1983 c 22 § 1; 1975-'76 2nd ex.s. c 34 § 129; 1975 1st ex.s. c 218 § 1; 1969 c 108 § 2.]

Notes:

Effective date--1997 c 437: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 437 § 6.]

Effective date--1983 c 22: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983." [1983 c 22 § 5.]

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

Severability--Effective date--1969 c 108: See notes following RCW 82.44.160.

RCW 43.110.020 Transmission of funds to council from general fund for allocation--Contracts--Purposes.

Applicable Cases

See RCW 82.44.160.

RCW 43.110.030 Municipal research and services.

Applicable Cases

The municipal research council shall contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services shall be made with state agencies, educational institutions, or private consulting firms, that in the judgment of council members are qualified to provide such research and services. Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the council members are qualified to provide such support.

Municipal research and services shall consist of: (1) Studying and researching city, town, and county government and issues relating to city, town, and county government; (2) acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government; (3) providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government; and (4) furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government. Requests for legal services by county officials shall be sent to the office of the county prosecuting attorney. Responses by the municipal research council to county requests for legal services shall be provided to the requesting official and the county prosecuting attorney.

The activities, programs, and services of the municipal research council shall be carried on, and all expenditures shall be made, in cooperation with the cities and towns of the state acting through the board of directors of the association of Washington cities, which is recognized

as their official agency or instrumentality, and in cooperation with counties of the state acting through the Washington state association of counties. Services to cities and towns shall be based upon the moneys appropriated to the municipal research council under RCW 82.44.160. Services to counties shall be based upon the moneys appropriated to the municipal research council from the county research services account under RCW 43.110.050.

[1997 c 437 § 2; 1990 c 104 § 2.]

Notes:

Effective date--1997 c 437: See note following RCW 43.110.010.

RCW 43.110.040 Local government regulation and policy handouts--Technical assistance.

Applicable Cases

The municipal research council shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under RCW 36.70B.220.

[1996 c 206 § 10.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.110.050 County research services account.

Applicable Cases

A special account is created in the state treasury to be known as the county research services account. The account shall consist of all money transferred to the account under RCW 82.08.170 or otherwise transferred or appropriated to the account by the legislature. Moneys in the account may be spent only after appropriation. The account is subject to the allotment process under chapter 43.88 RCW.

Moneys in the county research services account may be expended only to finance the costs of county research.

[1997 c 437 § 3.]

Notes:

Effective date--1997 c 437: See note following RCW 43.110.010.

**Chapter 43.113 RCW
COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

RCW

- | | |
|------------|---|
| 43.113.005 | Legislative declaration. |
| 43.113.010 | Commission created. |
| 43.113.020 | Membership--Terms--Vacancies--Quorum--Expenses. |
| 43.113.030 | Powers and duties. |

Notes:

Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030 and 43.101.280.

RCW 43.113.005 Legislative declaration.

Applicable Cases

The legislature declares that it is the public policy of this state to insure equal opportunity for all of its citizens. The legislature finds that, for economic, social, and historical reasons, a disproportionate number of African-Americans find themselves disadvantaged or isolated from the benefits of equal opportunity. The legislature believes that it is the duty of this state to improve the well-being of African-Americans by enabling them to participate fully in all fields of endeavor and by assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of African-Americans can be improved by establishing a focal point in state government for the interests of African-American citizens. Therefore, the legislature deems it necessary to establish in statute the commission on African-American affairs to further these purposes.

[1992 c 96 § 1.]

RCW 43.113.010 Commission created.

Applicable Cases

The Washington state commission on African-American affairs is created. The commission shall be administered by an executive director, who shall be appointed by, and serve at the pleasure of, the governor. The governor shall set the salary of the executive director. The executive director shall employ the staff of the commission.

[1992 c 96 § 2.]

RCW 43.113.020 Membership--Terms--Vacancies--Quorum--Expenses.

Applicable Cases

The commission shall consist of nine members, appointed by the governor. The commission shall make recommendations to the governor on appointment of the chair of the commission. The governor shall appoint the chair of the commission. To the extent practicable, appointments to the commission shall be made to achieve a balanced representation based on African-American population distribution within the state, geographic considerations, sex, age, and occupation. Members shall serve three-year terms. However, of the initial appointees, one-third shall serve three-year terms, one-third shall serve two-year terms, and one-third shall serve a one-year term. In the case of a vacancy, appointment shall be for the remainder of the unexpired term. No member shall serve more than two full consecutive terms. Members shall be reimbursed for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Five members shall constitute a quorum for the purposes of conducting business.

[1992 c 96 § 3.]

RCW 43.113.030 Powers and duties.

Applicable Cases

The commission shall have the following powers and duties:

- (1) Examine and define issues pertaining to the rights and needs of African-Americans, and make recommendations to the governor and state agencies for changes in programs and laws.
- (2) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of African-Americans.
- (3) Acting in concert with the governor, advise the legislature on issues of concern to the African-American community.
- (4) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for African-Americans.
- (5) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

[1992 c 96 § 4.]

**Chapter 43.115 RCW
STATE COMMISSION ON HISPANIC AFFAIRS**

RCW

43.115.010	Legislative declaration.
43.115.020	Commission created.
43.115.030	Membership--Terms--Vacancies--Travel expenses--Quorum.
43.115.040	Officers and employees--Rules and regulations.
43.115.045	Executive director.
43.115.060	Relationships with local government and private industry.
43.115.900	Severability--1971 ex.s. c 34.

Notes:

Reviser's note--Sunset Act application: The Washington state commission on Hispanic affairs is subject to review, termination, and possible extension under chapter 43.131 RCW, the Sunset Act. See RCW 43.131.341. RCW 43.115.010 through 43.115.060 and 43.115.900 are scheduled for future repeal under RCW 43.131.342. *Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030 and 43.101.280.*

RCW 43.115.010 Legislative declaration.

Applicable Cases

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature believes that it is the duty of the state to improve the well-being of Hispanics by enabling them to participate fully in all fields of endeavor and

assisting them in obtaining governmental services. The legislature further finds that the development of public policy and the delivery of governmental services to meet the special needs of Hispanics can be improved by establishing a focal point in state government for the interests of Hispanics. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

[1993 c 261 § 1; 1987 c 249 § 1; 1971 ex.s. c 34 § 1.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.020 Commission created.

Applicable Cases

There is created a Washington state commission on Hispanic affairs.

[1987 c 249 § 2; 1971 ex.s. c 34 § 2.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.030 Membership--Terms--Vacancies--Travel expenses--Quorum.

Applicable Cases

(1) The commission shall consist of eleven members of Hispanic origin appointed by the governor. To the extent practicable, appointments to the commission shall be made to achieve a balanced representation based on the Hispanic population distribution within the state, geographic considerations, sex, age, and occupation. Members shall serve three-year terms. No member shall serve more than two full consecutive terms. Vacancies shall be filled in the same manner as the original appointments.

(2) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) Six members of the commission shall constitute a quorum for the purpose of conducting business.

[1993 c 261 § 2; 1987 c 249 § 3; 1981 c 338 § 15; 1975-'76 2nd ex.s. c 34 § 130; 1971 ex.s. c 34 § 3.]

Notes:

Sunset Act application: See note following chapter digest.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.115.040 Officers and employees--Rules and regulations.

Applicable Cases

The commission shall have the following powers and duties:

- (1) Elect one of its members to serve as chairman;
- (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;
- (3) Examine and define issues pertaining to the rights and needs of Hispanics, and make

recommendations to the governor and state agencies for changes in programs and laws;

(4) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;

(5) Advise the legislature on issues of concern to the Hispanic community;

(6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and

(7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

[1993 c 261 § 3; 1987 c 249 § 4; 1971 ex.s. c 34 § 4.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.045 Executive director.

Applicable Cases

(1) The commission shall be administered by an executive director, who shall be appointed by and serve at the pleasure of the governor. The governor shall base the appointment of the executive director on recommendations of the commission. The salary of the executive director shall be set by the governor.

(2) The executive director shall employ a staff, who shall be state employees pursuant to Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

[1993 c 261 § 4.]

RCW 43.115.060 Relationships with local government and private industry.

Applicable Cases

In carrying out its duties the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for Hispanics in government, education and employment.

[1987 c 249 § 6; 1971 ex.s. c 34 § 6.]

Notes:

Sunset Act application: See note following chapter digest.

RCW 43.115.900 Severability--1971 ex.s. c 34.

Applicable Cases

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

[1971 ex.s. c 34 § 7.]

Notes:

Sunset Act application: See note following chapter digest.

Chapter 43.117 RCW
STATE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

(Formerly State commission on Asian-American affairs)

RCW

43.117.010	Legislative declaration.
43.117.020	Definitions.
43.117.030	Commission established.
43.117.040	Membership--Terms--Vacancies--Travel expenses--Quorum--Executive director.
43.117.050	Officers--Rules and regulations--Meetings.
43.117.060	Staff.
43.117.070	Duties of commission--State agencies to give assistance.
43.117.080	Promotion of equal opportunity and benefits.
43.117.090	Hearings--Information to be furnished to commission.
43.117.100	Gifts, grants and endowments--Receipt and expenditure.
43.117.900	Severability--1974 ex.s. c 140.

Notes:

Ethnic and cultural diversity--Development of curriculum for understanding: RCW 2.56.030 and 43.101.280.

RCW 43.117.010 Legislative declaration.

Applicable Cases

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that Asian Pacific Americans have unique and special problems. It is the purpose of this chapter to improve the well-being of Asian Pacific Americans by insuring their access to participation in the fields of government, business, education, and other areas. The legislature is particularly concerned with the plight of those Asian Pacific Americans who, for economic, linguistic, or cultural reasons, find themselves disadvantaged or isolated from American society and the benefits of equal opportunity. The legislature further finds that it is necessary to aid Asian Pacific Americans in obtaining governmental services in order to promote the health, safety, and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

[1995 c 67 § 2; 1983 c 119 § 1; 1974 ex.s. c 140 § 1.]

Notes:

Effective date--1983 c 119: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1983." [1983 c 119 § 5.]

RCW 43.117.020 Definitions.

Applicable Cases

As used in this chapter unless the context indicates otherwise:

(1) "Asian Pacific Americans" include persons of Japanese, Chinese, Filipino, Korean, Samoan, Guamanian, Thai, Vietnamese, Cambodian, Laotian, and other South East Asian, South Asian, and Pacific Island ancestry.

(2) "Commission" means the Washington state commission on Asian Pacific American affairs in the office of the governor.

[1995 c 67 § 3; 1974 ex.s. c 140 § 2.]

RCW 43.117.030 Commission established.

Applicable Cases

There is established a Washington state commission on Asian Pacific American affairs in the office of the governor. The now existing Asian-American advisory council shall become the commission upon enactment of this chapter. The council may transfer all office equipment, including files and records to the commission.

[1995 c 67 § 4; 1974 ex.s. c 140 § 3.]

RCW 43.117.040 Membership--Terms--Vacancies--Travel expenses--Quorum--Executive director.

Applicable Cases

(1) The commission shall consist of twelve members appointed by the governor. In making such appointments, the governor shall give due consideration to recommendations submitted to him by the commission. The governor may also consider nominations of members made by the various Asian-American organizations in the state. The governor shall consider nominations for membership based upon maintaining a balanced distribution of Asian-ethnic, geographic, sex, age, and occupational representation, where practicable.

(2) Appointments shall be for three years except in case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Seven members shall constitute a quorum for the purpose of conducting business.

(5) The governor shall appoint an executive director based upon recommendations made by the council.

[1982 c 68 § 1; 1981 c 338 § 16; 1975-'76 2nd ex.s. c 34 § 131; 1974 ex.s. c 140 § 4.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 43.117.050 Officers--Rules and regulations--Meetings.

Applicable Cases

The commission shall:

- (1) Elect one of its members to serve as chairman; and also such other officers as necessary to form an executive committee;
- (2) Adopt rules and regulations pursuant to chapter 34.05 RCW;
- (3) Meet at the call of the chairman or the call of a majority of its members, but in no case less often than once during any three month period;
- (4) Be authorized to appoint such citizen task force as it deems appropriate.

[1974 ex.s. c 140 § 5.]

RCW 43.117.060 Staff.

Applicable Cases

The executive director shall employ a staff who shall be state employees pursuant to Title 41 RCW and prescribe their duties as may be necessary to implement the purposes of this chapter.

[1974 ex.s. c 140 § 6.]

RCW 43.117.070 Duties of commission--State agencies to give assistance.

Applicable Cases

- (1) The commission shall examine and define issues pertaining to the rights and needs of Asian Pacific Americans, and make recommendations to the governor and state agencies with respect to desirable changes in program and law.
- (2) The commission shall further advise such state government agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Asian Pacific Americans.
- (3) Each state department and agency shall provide appropriate and reasonable assistance to the commission as needed in order that the commission may carry out the purposes of this chapter.

[1995 c 67 § 5; 1974 ex.s. c 140 § 7.]

RCW 43.117.080 Promotion of equal opportunity and benefits.

Applicable Cases

In carrying out its duties, the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity and benefits to Asian Pacific Americans in government, education, economic development, employment, and services.

[1995 c 67 § 6; 1974 ex.s. c 140 § 8.]

RCW 43.117.090 Hearings--Information to be furnished to commission.

Applicable Cases

(1) The commission may for the purpose of carrying out the purposes of this chapter hold such public hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the commission may deem advisable. The commission may administer oaths or affirmations to witnesses appearing before it. At least five members of the commission must be present to conduct a hearing.

(2) The commission may secure directly from any department or agency of the state information necessary to enable it to carry out the purposes of this chapter. Upon request of the chairman of the commission, the head of such department or agency shall furnish such information to the commission.

[1974 ex.s. c 140 § 9.]

RCW 43.117.100 Gifts, grants and endowments--Receipt and expenditure.

Applicable Cases

The commission shall have authority to receive such gifts, grants, and endowments from public or private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the commission and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

[1974 ex.s. c 140 § 10.]

RCW 43.117.900 Severability--1974 ex.s. c 140.

Applicable Cases

If any provision of this 1974 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1974 ex.s. c 140 § 11.]

Chapter 43.121 RCW

COUNCIL FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT

RCW

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RCW 43.121.010 Legislative declaration, intent.

Applicable Cases

The legislature recognizes that child abuse and neglect is a threat to the family unit and imposes major expenses on society. The legislature further declares that there is a need to assist private and public agencies in identifying and establishing community based educational and service programs for the prevention of child abuse and neglect. It is the intent of the legislature that an increase in prevention programs will help reduce the breakdown in families and thus reduce the need for state intervention and state expense. It is further the intent of the legislature that prevention of child abuse and child neglect programs are partnerships between communities, citizens, and the state.

[1982 c 4 § 1.]

RCW 43.121.015 Definitions.

Applicable Cases

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) "Child" means an unmarried person who is under eighteen years of age.
- (2) "Council" means the Washington council for the prevention of child abuse and neglect.
- (3) "Primary prevention" of child abuse and neglect means any effort designed to inhibit or preclude the initial occurrence of child abuse and neglect, both by the promotion of positive parenting and family interaction, and the remediation of factors linked to causes of child maltreatment.
- (4) "Secondary prevention" means services and programs that identify and assist families under such stress that abuse or neglect is likely or families display symptoms associated with child abuse or neglect.

[1988 c 278 § 4; 1987 c 351 § 2.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

RCW 43.121.020 Council established--Members, chairperson--Appointment, qualifications, terms, vacancies.

Applicable Cases

- (1) There is established in the executive office of the governor a Washington council for the prevention of child abuse and neglect subject to the jurisdiction of the governor.
- (2) The council shall be composed of the chairperson and thirteen other members as

follows:

(a) The chairperson and six other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. The appointments shall be made on a geographic basis to assure state-wide representation. Members appointed by the governor shall serve for three-year terms. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee, the superintendent of public instruction or the superintendent's designee, and the secretary of the department of health or the secretary's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate.

[1996 c 10 § 1; 1994 c 48 § 1; 1989 c 304 § 4; 1987 c 351 § 3; 1984 c 261 § 1; 1982 c 4 § 2.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

Severability--1984 c 261: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 261 § 8.]

RCW 43.121.030 Compensation and travel expenses of members.

Applicable Cases

Council members shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Attendance at meetings of the council shall be deemed performance by a member of the duties of a member's employment.

[1984 c 287 § 87; 1982 c 4 § 3.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.121.040 Executive director, salary--Staff.

Applicable Cases

The governor may employ an executive director who shall be exempt from the provisions of chapter 41.06 RCW, and such other staff as are necessary to carry out the purposes of this chapter. The salary of the executive director shall be fixed by the governor pursuant to RCW 43.03.040.

[1982 c 4 § 4.]

RCW 43.121.050 Council powers and duties--Generally--Rules.

Applicable Cases

To carry out the purposes of this chapter, the council may:

(1) Contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals for the establishment of community-based educational and service programs designed to:

(a) Reduce the occurrence of child abuse and neglect; and

(b) Provide for parenting skills which include: Consistency in parenting; providing children with positive discipline that provides firm order without hurting children physically or emotionally; and preserving and nurturing the family unit. Programs to provide these parenting skills may include the following:

(i) Programs to teach positive methods of disciplining children;

(ii) Programs to educate parents about the physical, mental, and emotional development of children;

(iii) Programs to enhance the skills of parents in providing for their children's learning and development; and

(iv) Learning experiences for children and parents to help prepare parents and children for the experiences in school. Contracts also may be awarded for research programs related to primary and secondary prevention of child abuse and neglect, and to develop and strengthen community child abuse and neglect prevention networks. Each contract entered into by the council shall contain a provision for the evaluation of services provided under the contract. Contracts for services to prevent child abuse and child neglect shall be awarded as demonstration projects with continuation based upon goal attainment. Contracts for services to prevent child abuse and child neglect shall be awarded on the basis of probability of success based in part upon sound research data.

(2) Facilitate the exchange of information between groups concerned with families and children.

(3) Consult with applicable state agencies, commissions, and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed educational and service programs for the prevention of child abuse and neglect.

(4) Establish fee schedules to provide for the recipients of services to reimburse the state general fund for the cost of services received.

(5) Adopt its own bylaws.

(6) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

[1988 c 278 § 5; 1987 c 351 § 4; 1982 c 4 § 5.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

RCW 43.121.060 Contracts for services--Scope of programs--Funding.

Applicable Cases

Programs contracted for under this chapter are intended to provide primary child abuse and neglect prevention services. Such programs may include, but are not limited to:

(1) Community-based educational programs on prenatal care, perinatal bonding, child development, basic child care, care of children with special needs, and coping with family stress; and

(2) Community-based programs relating to crisis care, aid to parents, child-abuse counseling, support groups for abusive or potentially abusive parents and their children, and early identification of families where the potential for child abuse and neglect exists.

The council shall develop policies to determine whether programs will be demonstration or will receive continuous funding. Nothing in this chapter requires continued funding by the state.

[1982 c 4 § 6.]

RCW 43.121.070 Contracts for services--Factors in awarding.

Applicable Cases

In awarding contracts under RCW 43.121.060, consideration shall be given to factors such as need, diversity of geographic locations, coordination with or enhancement of existing services, and the extensive use of volunteers in the program. Further consideration shall be given to the extent to which contract proposals are based on prior research that indicates a probability of goal achievement.

[1982 c 4 § 7.]

RCW 43.121.080 Contracts for services--Partial funding by administering organization, what constitutes.

Applicable Cases

Twenty-five percent of the funding for programs under this chapter shall be provided by the organization administering the program. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the organization.

[1982 c 4 § 8.]

RCW 43.121.100 Contributions, grants, gifts--Depository for and disbursement and expenditure control of moneys received--Children's trust fund.

Applicable Cases

The council may accept contributions, grants, or gifts in cash or otherwise, including funds generated by the sale of "heirloom" birth certificates under chapter 70.58 RCW from persons, associations, or corporations. All moneys received by the council or any employee thereof from contributions, grants, or gifts and not through appropriation by the legislature shall be deposited in a depository approved by the state treasurer to be known as the children's trust fund. Disbursements of such funds shall be on the authorization of the council or a duly authorized representative thereof and only for the purposes stated in RCW 43.121.050. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

[1987 c 351 § 5; 1984 c 261 § 3; 1982 c 4 § 10.]

Notes:

Legislative findings--1987 c 351: See note following RCW 70.58.085.

Severability--1984 c 261: See note following RCW 43.121.020.

RCW 43.121.110 Parenting skills--Legislative findings.

Applicable Cases

The legislature believes that parents who have developed good early parenting skills provide homes where children are treated with dignity and respect and where closeness and trust among family members provide children with the basis for a productive adult life. The legislature also believes that children raised in this positive atmosphere will develop self esteem and are unlikely to become dependent upon the social service system or to be involved in the criminal justice system. The legislature further believes that teaching parents good early parenting skills can help eliminate physical and emotional abuse of children.

[1988 c 278 § 1.]

RCW 43.121.120 Community-based early parenting skills programs--Funding.

Applicable Cases

(1) In order to increase the knowledge of early parenting skills of parents in Washington state, voluntary community based programs on early parenting skills shall be established. The council shall fund, within available funds, and monitor community-based early parenting skills programs in at least three geographically balanced areas around the state. Successful programs which the council and the national center on child abuse and neglect have funded or currently fund, may be used as models for the projects.

(2) The early parenting education program shall be designed to serve families with children ranging from infants through three years old and also to serve expectant parents. The projects may include the following:

(a) Education for parents about the physical, mental, and emotional development of children;

(b) Programs to enhance the skills of parents in providing for learning and development of their children;

(c) Shared learning experiences for children and parents;

(d) Activities designed to screen for children's physical, mental, emotional, or behavioral problems that may cause learning problems;

(e) Resources for educational materials which may be borrowed for home use;

(f) Information on related community resources;

(g) Group support which may include counseling for parents under stress;

(h) Emphasis to encourage participation by fathers; or

(i) Other programs or activities consistent with this chapter.

(3) The programs shall be reviewed periodically to provide that the instruction and materials are not racially, culturally, or sexually biased.

(4) The services provided by the projects shall be coordinated with schools and social services provided in the community to avoid duplication of services.

(5) A sliding fee scale shall be utilized at the discretion of the council.

[1988 c 278 § 2.]

RCW 43.121.130 Decreased state funding of parenting skills programs--Evaluation.

Applicable Cases

(1) Funding shall be provided, as funds are available, in decreasing amounts over a two-year period, with the goal of having the programs become supported by local communities at the end of a two-year period. State funding may be continued in areas where local funding would be difficult to obtain due to local economic conditions to the extent funding is made available to the council.

(2) The council shall work with the projects in the program to evaluate the results of the projects. The council shall make recommendations on these projects and the program. A project agreeing to develop an evaluation component shall be considered for a three-year funding schedule.

[1998 c 245 § 48; 1988 c 278 § 3.]

RCW 43.121.140 Shaken baby syndrome--Outreach campaign.

Applicable Cases

The council shall conduct a proactive, public information and communication outreach campaign regarding the dangers of shaking infants and young children, and the causes and prevention of shaken baby syndrome.

The public information campaign shall include production and distribution of a readily understandable brochure regarding shaken baby syndrome, explaining its medical effects upon infants and emphasizing preventive measures.

The brochure shall be distributed free of charge to the parents or guardians of each newborn, upon discharge from a hospital or other health facility. In the event of home birth attended by a licensed midwife, the midwife shall be responsible for presenting the brochure to the parents of the newborn.

The public information campaign may, within available funds, also include communication by electronic media, telephone hotlines, and existing parenting education events funded by the council.

[1993 c 107 § 2.]

Notes:

Finding--1993 c 107: "The legislature finds that shaken baby syndrome is a medically serious, sometimes fatal, usually unintentional matter affecting newborns and very young children.

Vigorous shaking of an infant can result in bleeding inside the head, causing irreversible brain damage, blindness, cerebral palsy, hearing loss, spinal cord injury, seizures, learning disabilities, or death. Many healthy, intelligent infants suffer from shaken baby syndrome because their caregivers were unaware of the dangers. The damage is preventable through education and awareness." [1993 c 107 § 1.]

RCW 43.121.150 Juvenile crime--Legislative findings.

Applicable Cases

The legislature of the state of Washington finds that community deterioration and family disintegration are increasing problems in our state. One clear indicator of this damage is juvenile crime and violence. The legislature further finds that prevention is one of the best methods of fighting juvenile crime. Building more facilities to house juvenile offenders can be at best only one part of any solution. Any increased spending on confining juvenile offenders must be closely linked to existing efforts to prevent juvenile crime.

[1997 c 338 § 56.]

Notes:

Finding--Evaluation--Report--1997 c 338: See note following RCW 13.40.0357.

Severability--Effective dates--1997 c 338: See notes following RCW 5.60.060.

RCW 43.121.910 Severability--1982 c 4.

Applicable Cases

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

[1982 c 4 § 15.]

**Chapter 43.126 RCW
GEOGRAPHIC NAMES**

RCW

43.126.015	Purposes.
43.126.025	State board on geographic names created--Membership--Chairman.
43.126.035	Powers and duties.
43.126.045	Policies--Criteria.
43.126.055	Adoption of names--Procedure--Effect.
43.126.065	Meetings--Rules--Publication of adopted names.
43.126.075	Compensation and travel expenses of members.
43.126.085	Naming geographic features without board approval prohibited.

RCW 43.126.015 Purposes.

Applicable Cases

The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing geographical names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agency to coordinate this important activity between local, state, and federal agencies; to identify the responsible agency for the purpose of serving the public interest; to avoid the duplication of names for similar features whenever possible; and as far as possible, to retain the significance, spelling, and color of names associated with the early history of

Washington.

[1983 c 273 § 1.]

RCW 43.126.025 State board on geographic names created--Membership--Chairman.

Applicable Cases

There is hereby created a Washington state board on geographic names composed of:

- (1) The state librarian or a representative;
- (2) The commissioner of public lands or a representative;
- (3) The chairperson of the Washington state heritage council created by 1983 law; and
- (4) Four members from the general public to be appointed by the commissioner of public

lands.

The commissioner of public lands or his or her representative shall be chairman of the board.

The members of the initial board to be appointed by the commissioner shall be appointed as follows: One member for a one-year term, one member for a two-year term, one member for a three-year term, and one member for a four-year term. Thereafter, each member shall be appointed for a three-year term. Each member of the board shall continue in office until a successor is appointed.

[1983 c 273 § 2.]

RCW 43.126.035 Powers and duties.

Applicable Cases

It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

(1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include man-made features or administrative areas such as parks, game reserves, and dams, but shall include man-made lakes;

(2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;

(3) Cooperate with county commissioners, state departments, and agencies, and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features for the purpose of eliminating, as far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Periodically issue a list of names approved by the board.

[1983 c 273 § 3.]

RCW 43.126.045 Policies--Criteria.

Applicable Cases

The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and spelling of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information relating to such names, including the recommendations of the United States board on geographic names, with which the board shall cooperate.

[1983 c 273 § 4.]

RCW 43.126.055 Adoption of names--Procedure--Effect.

Applicable Cases

Adoption of names by the board shall take place only after consideration at a previous meeting. All board determinations shall be filed with the code reviser and shall be compiled and indexed in the same manner as agency rules under RCW 34.05.210. Determinations by the board shall not be considered a rule under RCW 34.05.010. Whenever the state board on geographic names has given a name to any lake, stream, place, or other geographic feature within the state, that name shall be used in all maps, records, documents, and other publications issued by the state or any of its departments and political subdivisions, and that name shall be the official name of the geographic feature.

[1983 c 273 § 5.]

RCW 43.126.065 Meetings--Rules--Publication of adopted names.

Applicable Cases

(1) The board shall hold at least two meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

(2) All meetings shall be open to the public.

(3) Notice of all board meetings shall be as provided in RCW 42.30.080. This notice includes those names to be considered by the board and those names to be adopted by the board.

(4) Four board members shall constitute a quorum.

(5) The board shall establish rules for the conduct of its affairs and to carry out the purposes of this chapter.

(6) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records.

(7) All geographic names adopted by the board shall be published in the Washington State Register.

[1983 c 273 § 6.]

RCW 43.126.075 Compensation and travel expenses of members.

Applicable Cases

Members of the board who are not otherwise public employees shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid by the agency that each member represents and, for the four members of the general public, by the department of natural resources.

[1984 c 287 § 88; 1983 c 273 § 7.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.126.085 Naming geographic features without board approval prohibited.

Applicable Cases

A person shall not, in any advertisement or publication, attempt to change local usage or name unnamed geographic features without first obtaining approval of the board.

[1983 c 273 § 8.]

**Chapter 43.130 RCW
ECONOMIC IMPACT ACT--CLOSING OF STATE FACILITIES**

RCW

43.130.010	Purpose.
43.130.020	Definitions.
43.130.030	Excluded employment and employees.
43.130.040	Benefits.
43.130.050	Eligibility--Conditions.
43.130.060	Reimbursement of public employees' retirement system.
43.130.900	Severability--1973 2nd ex.s. c 37.
43.130.910	Emergency--Operative dates--Termination of benefits.

RCW 43.130.010 Purpose.

Applicable Cases

When either for fiscal reasons, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, as defined by RCW 43.130.020(2), the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in RCW 43.130.020.

[1973 2nd ex.s. c 37 § 1.]

RCW 43.130.020 Definitions.

Applicable Cases

For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaried or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020(3) and those persons defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by the department of social and health services or in conjunction with the

department of natural resources, when such facility is terminated for fiscal reasons, obsolescence, or other extraordinary reasons.

(3) "Classified employees" means those employees performing classified service as defined in RCW 41.06.020(3).

[1973 2nd ex.s. c 37 § 2.]

RCW 43.130.030 Excluded employment and employees.

Applicable Cases

Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not more than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of RCW 43.130.040.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment.

[1973 2nd ex.s. c 37 § 3.]

RCW 43.130.040 Benefits.

Applicable Cases

In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by the state to employees transferring to other state employment by

reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: PROVIDED, That this right of reimbursement must be exercised, and sale of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employees last month of employment or within thirty days after *the effective date of this 1973 act, whichever is later: PROVIDED, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive multiplied by the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of fifty-five years, with at least five years creditable service, shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent for each complete year that such employee is under fifty-five years of age.

(c) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized leave of absence not in excess of one hundred and twenty days.

(d) Employees who elect to retire under the provisions of this section shall not be eligible

for any retirement benefit in a year following a year in which their employment income was in excess of six thousand dollars. This six thousand dollars base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the public employees' retirement system to membership retirement benefits. The public employees retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection.

[1973 2nd ex.s. c 37 § 4.]

Notes:

***Reviser's note:** The effective date of 1973 2nd ex.s. c 37 was September 26, 1973.

Public employees' retirement system: Chapter 41.40 RCW.

Termination date of benefits under subsection (3) of this section: RCW 43.130.910.

RCW 43.130.050 Eligibility--Conditions.

Applicable Cases

(1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in RCW 43.130.020(2) who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of September 26, 1973, who would otherwise qualify for the enumerated benefits of this chapter are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on September 26, 1973, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of such benefits within thirty days after the *passage of this 1973 act or upon closure of the institution, whichever is later.

[1973 2nd ex.s. c 37 § 5.]

Notes:

***Reviser's note:** The effective date of 1973 2nd ex.s. c 37 was September 26, 1973, due to the emergency clause contained in section 9, codified as RCW 43.130.910.

1973 2nd ex.s. c 37 (Engrossed Substitute Senate Bill No. 2603) passed the Senate September 14, 1973, passed the House September 13, 1973, and was approved by the governor September 26, 1973.

Employees to whom chapter is operative: RCW 43.130.910.

RCW 43.130.060 Reimbursement of public employees' retirement system.

Applicable Cases

In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this chapter which affect the retirement system, the *public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this chapter, determine the increased present and future cost to the retirement system of such employee's election. Upon the

determination of the amount necessary to offset said increased cost, the *retirement board shall bill the department of personnel for the amount of the increased cost: PROVIDED, That such billing shall not exceed eight hundred sixty-one thousand dollars. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose.

[1973 2nd ex.s. c 37 § 6.]

Notes:

***Reviser's note:** Powers, duties, and functions of the Washington public employees' retirement board were transferred to the director of retirement systems by RCW 41.40.022, which has been decodified. See Table of Disposition of Former RCW Sections, Volume 0.

RCW 43.130.900 Severability--1973 2nd ex.s. c 37.

Applicable Cases

If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 2nd ex.s. c 37 § 8.]

RCW 43.130.910 Emergency--Operative dates--Termination of benefits.

Applicable Cases

This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately: PROVIDED HOWEVER, That each of the provisions of this 1973 act shall be operative and in effect only for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974: PROVIDED FURTHER, That benefits under section 4(3) of this 1973 act shall be available until September 14, 1975.

[1973 2nd ex.s. c 37 § 9.]

**Chapter 43.131 RCW
WASHINGTON SUNSET ACT OF 1977**

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- 43.131.020 Legislative declaration.
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Notes:

Termination of tax preferences: Chapter 43.136 RCW.

RCW 43.131.010 Short title. (Expires June 30, 2000.)

Applicable Cases

This chapter may be known and cited as the Washington Sunset Act.

[1990 c 297 § 1; 1977 ex.s. c 289 § 1.]

RCW 43.131.020 Legislative declaration. (Expires June 30, 2000.)

Applicable Cases

The state legislature finds that state agencies may fail to deliver services as effectively and efficiently as is expected by the general public and as originally contemplated by the legislature. It further finds that state government actions have produced a substantial increase in numbers of agencies, growth of programs, and proliferation of rules and regulations, and that

the entire process has evolved without sufficient legislative and executive oversight, regulatory accountability, or a system of checks and balances. The legislature further finds that by establishing a system for the termination, continuation, or modification of state agencies, coupled with a system of scheduled review of such agencies, it will be in a better position to evaluate the need for the continued existence of existing and future state agencies. The legislature recognizes that the executive branch shares in this duty and responsibility to assure that state government operates in an efficient, orderly, and responsive manner.

[1977 ex.s. c 289 § 2.]

RCW 43.131.030 Definitions. (Expires June 30, 2000.)

Applicable Cases

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise.

(1) "Committees of reference" means the standing legislative committees designated by the senate and house of representatives to consider termination, modification, or reestablishment of state agencies pursuant to this chapter.

(2) "Person" includes every natural person, firm, partnership, corporation, association, or organization.

(3) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which licenses or regulates one or more professions, occupations, industries, businesses, or other endeavors in the state of Washington.

(4) "State agency" includes every state office, department, board, commission, regulatory entity and agency of the state, and where provided by law, programs and activities involving less than the full responsibility of a state agency.

[1983 1st ex.s. c 27 § 1; 1977 ex.s. c 289 § 3.]

RCW 43.131.040 Reestablishment of state agency scheduled for termination--Review. (Expires June 30, 2000.)

Applicable Cases

Any state agency scheduled for termination by the processes provided in this chapter may be reestablished by the legislature for a specified period of time or indefinitely. The legislature may again review the state agency in a manner consistent with the provisions of this chapter and reestablish, modify, or consolidate such state agency or allow it to be terminated.

[1983 1st ex.s. c 27 § 2; 1977 ex.s. c 289 § 4.]

RCW 43.131.050 Joint legislative audit and review committee and office of financial management--Duties--Reports required. (Expires June 30, 2000.)

Applicable Cases

The joint legislative audit and review committee shall cause to be conducted a program and fiscal review of any state agency or program scheduled for termination by the processes provided in this chapter. Such program and fiscal review shall be completed and a preliminary

report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its preliminary report, the joint legislative audit and review committee shall transmit copies of the report to the office of financial management. The office of financial management may then conduct its own program and fiscal review of the agency scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the office of financial management shall transmit copies of its report to the joint legislative audit and review committee. The joint legislative audit and review committee shall prepare a final report that includes the reports of both the office of financial management and the joint legislative audit and review committee. The joint legislative audit and review committee and the office of financial management shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The joint legislative audit and review committee shall transmit the final report to the legislature, to the state agency concerned, to the governor, and to the state library.

[1996 c 288 § 43; 1990 c 297 § 2; 1979 c 22 § 1; 1977 ex.s. c 289 § 5.]

RCW 43.131.060 Joint legislative audit and review committee review of regulatory entity--Factors for consideration. (Expires June 30, 2000.)

Applicable Cases

In conducting the review of a regulatory entity, the joint legislative audit and review committee shall consider, but not be limited to, the following factors where applicable:

- (1) The extent to which the regulatory entity has operated in the public interest and fulfilled its statutory obligations;*
- (2) The duties of the regulatory entity and the costs incurred in carrying out those duties;*
- (3) The extent to which the regulatory entity is operating in an efficient, effective, and economical manner;*
- (4) The extent to which the regulatory entity inhibits competition or otherwise adversely affects the state's economic climate;*
- (5) The extent to which the regulatory entity duplicates the activities of other regulatory entities or of the private sector, where appropriate; and*
- (6) The extent to which the absence or modification of regulation would adversely affect, maintain, or improve the public health, safety, or welfare.*

[1996 c 288 § 44; 1988 c 17 § 1; 1977 ex.s. c 289 § 6.]

RCW 43.131.070 Joint legislative audit and review committee review of a state agency other than a regulatory entity--Factors for consideration. (Expires June 30, 2000.)

Applicable Cases

In conducting the review of a state agency other than a regulatory entity, the joint legislative audit and review committee shall consider, but not be limited to, the following factors where applicable:

- (1) The extent to which the state agency has complied with legislative intent;*

(2) *The extent to which the state agency is operating in an efficient and economical manner which results in optimum performance;*

(3) *The extent to which the state agency is operating in the public interest by effectively providing a needed service that should be continued rather than modified, consolidated, or eliminated;*

(4) *The extent to which the state agency duplicates the activities of other state agencies or of the private sector, where appropriate; and*

(5) *The extent to which the termination or modification of the state agency would adversely affect the public health, safety, or welfare.*

[1996 c 288 § 45; 1977 ex.s. c 289 § 7.]

RCW 43.131.080 Committees of reference--Powers and duties. (Expires June 30, 2000.)

Applicable Cases

(1) *Following receipt of the final report from the joint legislative audit and review committee, the appropriate committees of reference in the senate and the house of representatives shall each hold a public hearing, unless a joint hearing is held, to consider the final report and any related data. The committees shall also receive testimony from representatives of the state agency or agencies involved, which shall have the burden of demonstrating a public need for its continued existence; and from the governor or the governor's designee, and other interested parties, including the general public.*

(2) *When requested by either of the presiding members of the appropriate senate and house committees of reference, a regulatory entity under review shall mail an announcement of any hearing to the persons it regulates who have requested notice of agency rule-making proceedings as provided in RCW 34.05.320, or who have requested notice of hearings held pursuant to the provisions of this section. On request of either presiding member, such mailing shall include an explanatory statement not exceeding one page in length prepared and supplied by the member's committee.*

(3) *The presiding members of the senate committee on ways and means and the house committee on appropriations may designate one or more liaison members to each committee of reference in their respective chambers for purposes of participating in any hearing and in subsequent committee of reference discussions and to seek a coordinated approach between the committee of reference and the committee they represent in a liaison capacity.*

(4) *Following any hearing under subsection (1) of this section by the committees of reference, such committees may hold additional meetings or hearings to come to a final determination as to whether a state agency has demonstrated a public need for its continued existence or whether modifications in existing procedures are needed. In the event that a committee of reference concludes that a state agency shall be reestablished or modified or its functions transferred elsewhere, it shall make such determination as a bill. No more than one state agency shall be reestablished or modified in any one bill.*

[1996 c 288 § 46; 1989 c 175 § 109; 1983 1st ex.s. c 27 § 3; 1977 ex.s. c 289 § 8.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

RCW 43.131.090 Termination of state agency--Procedures--Employee transfers--Property disposition--Funds and moneys--Rules--Contracts. (Expires June 30, 2000.)

Applicable Cases

Unless the legislature specifies a shorter period of time, a terminated state agency shall continue in existence until June 30th of the next succeeding year for the purpose of concluding its affairs: PROVIDED, That the powers and authority of the state agency shall not be reduced or otherwise limited during this period. Unless otherwise provided:

(1) All employees of terminated state agencies classified under chapter 41.06 RCW, the state civil service law, shall be transferred as appropriate or as otherwise provided in the procedures adopted by the Washington personnel resources board pursuant to RCW 41.06.150;

(2) All documents and papers, equipment, or other tangible property in the possession of the terminated state agency shall be delivered to the custody of the agency assuming the responsibilities of the terminated agency or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration;

(3) All funds held by, or other moneys due to, the terminated state agency shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund;

(4) Notwithstanding the provisions of RCW 34.05.020, all rules made by a terminated state agency shall be repealed, without further action by the state agency, at the end of the period provided in this section, unless assumed and reaffirmed by the agency assuming the related legal responsibilities of the terminated state agency;

(5) All contractual rights and duties of a state agency shall be assigned or delegated to the agency assuming the responsibilities of the terminated state agency, or if there is none to such agency as the governor shall direct.

[1993 c 281 § 54; 1983 1st ex.s. c 27 § 4; 1977 ex.s. c 289 § 9.]

Notes:

Effective date--1993 c 281: See note following RCW 41.06.022.

RCW 43.131.100 Termination of state agency--Pending business--Savings. (Expires June 30, 2000.)

Applicable Cases

This chapter shall not affect the right to institute or prosecute any cause of action by or against a state agency terminated pursuant to this chapter if the cause of action arose prior to the end of the period provided in RCW 43.131.090. Such causes of action may be instituted, prosecuted, or defended in the name of the state of Washington by the office of the attorney general. Any hearing or other proceeding pending before a state agency to be terminated and not completed before the end of the period provided in RCW 43.131.090, may be completed by the agency assuming the responsibilities of the terminated state agency.

[1977 ex.s. c 289 § 10.]

RCW 43.131.110 Committees--Reference to include successor. (Expires June 30, 2000.)

Applicable Cases

Any reference in this chapter to a committee of the legislature including the joint legislative audit and review committee shall also refer to the successor of that committee.

[1996 c 288 § 47; 1977 ex.s. c 289 § 11.]

RCW 43.131.130 Legislature--Powers unaffected by enactment of chapter. (Expires June 30, 2000.)

Applicable Cases

Nothing in this chapter or RCW 43.06.010 as now or hereafter amended, shall prevent the legislature from abolishing or modifying a state agency scheduled for termination prior to the agency's established termination date or from abolishing or modifying any other state agency.

[1977 ex.s. c 289 § 13.]

RCW 43.131.150 Termination of agencies and programs--Review under Sunset Act. (Expires June 30, 2000.)

Applicable Cases

The state agencies and programs scheduled for termination under this chapter shall be subject to all of the processes provided in this chapter.

[1983 1st ex.s. c 27 § 8; 1979 c 99 § 1.]

RCW 43.131.253 *Hospital commission--Termination.

Applicable Cases

The *hospital commission and its powers and duties shall be terminated on June 30, 1989, as provided in RCW 43.131.254.

[1984 c 288 § 25; 1982 c 223 § 9.]

Notes:

***Reviser's note:** All references to hospital commission shall be construed to mean department of health; see RCW 43.70.902.

Severability--1984 c 288: See note following RCW 70.38.105.

RCW 43.131.254 *Hospital commission--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1990:

(1) Section 2, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 288, Laws of 1984 and RCW 70.39.010;

(2) Section 3, chapter 5, Laws of 1973 1st ex. sess., section 2, chapter 288, Laws of 1984

and RCW 70.39.020;

(3) Section 4, chapter 5, Laws of 1973 1st ex. sess., section 3, chapter 288, Laws of 1984 and RCW 70.39.030;

(4) Section 5, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 36, Laws of 1977, section 4, chapter 288, Laws of 1984 and RCW 70.39.040;

(5) Section 6, chapter 5, Laws of 1973 1st ex. sess., section 104, chapter 287, Laws of 1984, section 5, chapter 288, Laws of 1984 and RCW 70.39.050;

(6) Section 7, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 35, Laws of 1977, section 6, chapter 288, Laws of 1984 and RCW 70.39.060;

(7) Section 8, chapter 5, Laws of 1973 1st ex. sess., section 17, chapter 125, Laws of 1984, section 7, chapter 288, Laws of 1984 and RCW 70.39.070;

(8) Section 9, chapter 5, Laws of 1973 1st ex. sess., section 8, chapter 288, Laws of 1984 and RCW 70.39.080;

(9) Section 10, chapter 5, Laws of 1973 1st ex. sess., section 9, chapter 288, Laws of 1984 and RCW 70.39.090;

(10) Section 11, chapter 5, Laws of 1973 1st ex. sess., section 10, chapter 288, Laws of 1984 and RCW 70.39.100;

(11) Section 12, chapter 5, Laws of 1973 1st ex. sess., section 11, chapter 288, Laws of 1984 and RCW 70.39.110;

(12) Section 13, chapter 5, Laws of 1973 1st ex. sess., section 12, chapter 288, Laws of 1984 and RCW 70.39.120;

(13) Section 14, chapter 5, Laws of 1973 1st ex. sess., section 82, chapter 75, Laws of 1977, section 13, chapter 288, Laws of 1984, section 58, chapter 505, Laws of 1987 and RCW 70.39.130;

(14) Section 15, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 163, Laws of 1974 ex. sess., section 14, chapter 288, Laws of 1984, section 1, chapter 118, Laws of 1988 and RCW 70.39.140;

(15) Section 16, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 154, Laws of 1977 ex. sess., section 18, chapter 288, Laws of 1984 and RCW 70.39.150;

(16) Section 17, chapter 5, Laws of 1973 1st ex. sess., section 19, chapter 288, Laws of 1984 and RCW 70.39.160;

(17) Section 18, chapter 5, Laws of 1973 1st ex. sess., section 67, chapter 57, Laws of 1985 and RCW 70.39.170;

(18) Section 19, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.180;

(19) Section 20, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.190;

(20) Section 21, chapter 5, Laws of 1973 1st ex. sess., section 20, chapter 288, Laws of 1984 and RCW 70.39.200;

(21) Section 22, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.900;

(22) Section 23, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.910;

(23) Section 15, chapter 288, Laws of 1984 and RCW 70.39.165;

(24) Section 23, chapter 288, Laws of 1984 and RCW 70.39.195;

- (25) Section 24, chapter 288, Laws of 1984 and RCW 70.39.125; and
- (26) Section 1, chapter 262, Laws of 1988 and RCW 70.39.144.

[1990 c 52 § 1; 1984 c 288 § 26; 1982 c 223 § 10.]

Notes:

***Reviser's note:** All references to hospital commission shall be construed to mean department of health; see RCW 43.70.902.

Severability--1984 c 288: See note following RCW 70.38.105.

RCW 43.131.341 Washington state commission on Hispanic affairs--Termination.

Applicable Cases

The Washington state commission on Hispanic affairs and its powers and duties shall be terminated on June 30, 2021, as provided in RCW 43.131.342.

[1993 c 261 § 5; 1987 c 249 § 8.]

RCW 43.131.342 Washington state commission on Hispanic affairs--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2022:

(1) Section 1, chapter 34, Laws of 1971 ex. sess., section 1, chapter 249, Laws of 1987, section 1, chapter 261, Laws of 1993 and RCW 43.115.010;

(2) Section 2, chapter 34, Laws of 1971 ex. sess., section 2, chapter 249, Laws of 1987 and RCW 43.115.020;

(3) Section 3, chapter 34, Laws of 1971 ex. sess., section 130, chapter 34, Laws of 1975-'76 2nd ex. sess., section 15, chapter 338, Laws of 1981, section 3, chapter 249, Laws of 1987, section 2, chapter 261, Laws of 1993, and RCW 43.115.030;

(4) Section 4, chapter 34, Laws of 1971 ex. sess., section 4, chapter 249, Laws of 1987, section 3, chapter 261, Laws of 1993 and RCW 43.115.040;

(5) Section 6, chapter 34, Laws of 1971 ex. sess., section 6, chapter 249, Laws of 1987 and RCW 43.115.060;

(6) Section 7, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.900; and

(7) Section 4, chapter 261, Laws of 1993 and RCW 43.115.045.

[1993 c 261 § 6; 1987 c 249 § 9.]

RCW 43.131.369 Puget Sound water quality authority--Termination.

Applicable Cases

The Puget Sound water quality authority and its powers and duties shall be terminated on June 30, 1995, as provided in RCW 43.131.370.

[1990 c 115 § 11.]

RCW 43.131.370 Puget Sound water quality authority--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1996:

- (1) Section 1, chapter 451, Laws of 1985 and RCW 90.70.001;
- (2) Section 2, chapter 451, Laws of 1985 and RCW 90.70.005;
- (3) Section 3, chapter 451, Laws of 1985, section 2, chapter 115, Laws of 1990 and RCW 90.70.011;
- (4) Section 5, chapter 451, Laws of 1985 and RCW 90.70.025;
- (5) Section 6, chapter 451, Laws of 1985 and RCW 90.70.035;
- (6) Section 7, chapter 451, Laws of 1985, section 72, chapter 36, Laws of 1988, section 3, chapter 115, Laws of 1990 and RCW 90.70.045;
- (7) Section 4, chapter 451, Laws of 1985, section 4, chapter 115, Laws of 1990 and RCW 90.70.055;
- (8) Section 8, chapter 451, Laws of 1985, section 31, chapter 11, Laws of 1989, section 5, chapter 115, Laws of 1990 and RCW 90.70.060;
- (9) Section 9, chapter 451, Laws of 1985, section 6, chapter 115, Laws of 1990 and RCW 90.70.070;
- (10) Section 10, chapter 451, Laws of 1985, section 7, chapter 115, Laws of 1990 and RCW 90.70.080; and
- (11) Section 14, chapter 451, Laws of 1985 and RCW 90.70.901.

[1990 c 115 § 12.]

Notes:

Implementation and requirements of plan not affected by repeal: See RCW 90.71.902.

RCW 43.131.377 Work force employment and training program--Termination.

Applicable Cases

The work force employment and training program created in chapter 226, Laws of 1993 shall expire June 30, 1998.

[1993 c 226 § 18.]

Notes:

Findings--Purpose, intent--Conflict with federal requirements--Severability--Application--1993 c 226: See notes following RCW 50.24.018.

RCW 43.131.378 Work force employment and training program--Repeal.

Applicable Cases

The following acts or parts of acts are each repealed, effective June 30, 1999:

- (1) 1993 c 226 § 1 (uncodified);
- (2) 1993 c 226 § 2 (uncodified);
- (3) RCW 50.24.018 and 1993 c 226 § 3;
- (4) RCW 50.16.090 and 1993 c 226 § 4;
- (5) RCW 50.16.092 and 1993 c 226 § 5;
- (6) RCW 50.16.094 and 1993 c 226 § 6;

- (7) RCW 50.16.096 and 1993 c 226 § 8;
- (8) RCW 50.29.085 and 1993 c 226 § 15; and
- (9) RCW 50.12.261 and 1993 c 226 § 17.

[1993 c 226 § 19.]

Notes:

Findings--Purpose, intent--Conflict with federal requirements--Severability--Application--1993 c 226: See notes following RCW 50.24.018.

RCW 43.131.381 Linked deposit program--Termination.

Applicable Cases

The linked deposit program shall be terminated on June 30, 2000, as provided in RCW 43.131.382.

[1994 c 126 § 2; 1993 c 512 § 35.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.131.382 Linked deposit program--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.86A.060 and 1993 c 512 § 30;
- (2) RCW 43.63A.690 and 1993 c 512 § 31; and
- (3) RCW 43.86A.070 and 1993 c 512 § 34.

[1994 c 126 § 3; 1993 c 512 § 36.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.131.385 Rural natural resources impact area programs--Termination.

Applicable Cases

The rural natural resources impact area programs shall be terminated on June 30, 2000, as provided in RCW 43.131.386.

[1997 c 367 § 18; 1995 c 226 § 34.]

Notes:

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

RCW 43.131.386 Rural natural resources impact area programs--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 43.31.601 and 1997 c 367 § 1, 1995 c 226 § 1, 1992 c 21 § 2, & 1991 c 314 § 2;
- (2) RCW 43.31.641 and 1997 c 367 § 6, 1995 c 226 § 4, 1993 c 280 § 50, & 1991 c 314 § 7;
- (3) RCW 50.22.090 and 1997 c 367 § 4;
- (4) RCW 43.63A.021 and 1997 c 367 § 5 & 1995 c 226 § 11;
- (5) RCW 43.63A.600 and 1995 c 226 § 12, 1994 c 114 § 1, 1993 c 280 § 77, & 1991 c 315 § 23;
- (6) RCW 43.63A.440 and 1997 c 367 § 7, 1995 c 226 § 13, 1993 c 280 § 74, & 1989 c 424 § 7;
- (7) RCW 28B.50.258 and 1995 c 226 § 18 & 1991 c 315 § 16;
- (8) RCW 28B.50.262 and 1995 c 226 § 19 & 1994 c 282 § 3;
- (9) RCW 28B.80.570 and 1997 c 367 § 14, 1995 c 226 § 20, 1992 c 21 § 6, & 1991 c 315 § 18;
- (10) RCW 28B.80.575 and 1995 c 269 § 1001, 1995 c 226 § 21, & 1991 c 315 § 19;
- (11) RCW 28B.80.580 and 1997 c 367 § 15, 1995 c 226 § 22, 1993 sp.s. c 18 § 34, 1992 c 231 § 31, & 1991 c 315 § 20;
- (12) RCW 28B.80.585 and 1995 c 226 § 23 & 1991 c 315 § 21;
- (13) RCW 43.17.065 and 1995 c 226 § 24, 1993 c 280 § 37, 1991 c 314 § 28, & 1990 1st ex.s. c 17 § 77;
- (14) RCW 43.20A.750 and 1997 c 367 § 16;
- (15) RCW 43.168.140 and 1995 c 226 § 28 & 1991 c 314 § 20;
- (16) RCW 50.12.270 and 1997 c 367 § 17, 1995 c 226 § 30, & 1991 c 315 § 3;
- (17) RCW 50.70.010 and 1995 c 226 § 31, 1992 c 21 § 1, & 1991 c 315 § 5; and
- (18) RCW 50.70.020 and 1995 c 226 § 32 & 1991 c 315 § 6.

[1999 c 164 § 701; 1997 c 367 § 19; 1996 c 168 § 5; 1995 c 226 § 35.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

RCW 43.131.387 Permit assistance center--Termination.

Applicable Cases

The permit assistance center and its powers and duties shall be terminated June 30, 1999, as provided in RCW 43.131.388.

[1995 c 347 § 617.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.131.388 Permit assistance center--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2000:

- (1) RCW 90.60.010 and 1995 c 347 § 601;
- (2) RCW 90.60.020 and 1995 c 347 § 602;
- (3) RCW 90.60.030 and 1995 c 347 § 603;
- (4) RCW 90.60.040 and 1995 c 347 § 604;
- (5) RCW 90.60.050 and 1995 c 347 § 605;
- (6) RCW 90.60.060 and 1995 c 347 § 606;
- (7) RCW 90.60.070 and 1995 c 347 § 607;
- (8) RCW 90.60.080 and 1995 c 347 § 608;
- (9) RCW 90.60.090 and 1995 c 347 § 609;
- (10) RCW 90.60.100 and 1995 c 347 § 610;
- (11) RCW 90.60.110 and 1995 c 347 § 611;
- (12) RCW 90.60.120 and 1995 c 347 § 612;
- (13) RCW 90.60.130 and 1995 c 347 § 613;
- (14) RCW 90.60.140 and 1995 c 347 § 614;
- (15) RCW 90.60.150 and 1995 c 347 § 615; and
- (16) RCW 90.60.800 and 1995 c 347 § 616.

[1995 c 347 § 618.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.131.389 Office of public defense--Termination.

Applicable Cases

The office of public defense and its powers and duties shall be terminated on June 30, 2008, as provided in RCW 43.131.390.

[1998 c 108 § 2; 1996 c 221 § 7.]

RCW 43.131.390 Office of public defense--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2009:

- (1) RCW 2.70.005 and 1996 c 221 § 1;
- (2) RCW 2.70.010 and 1996 c 221 § 2;

- (3) RCW 2.70.020 and 1996 c 221 § 3;
- (4) RCW 2.70.030 and 1996 c 221 § 4; and
- (5) RCW 2.70.040 and 1996 c 221 § 5.

[1998 c 108 § 3; 1996 c 221 § 8.]

RCW 43.131.391 Diabetes cost reduction act--Termination.

Applicable Cases

The diabetes cost reduction act shall be terminated on June 30, 2001.

[1997 c 276 § 7.]

RCW 43.131.392 Diabetes cost reduction act--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2002:

- (1) RCW 41.05.185 and 1997 c 276 § 1;
- (2) RCW 48.20.391 and 1997 c 276 § 2;
- (3) RCW 48.21.143 and 1997 c 276 § 3;
- (4) RCW 48.44.315 and 1997 c 276 § 4; and
- (5) RCW 48.46.272 and 1997 c 276 § 5.

[1997 c 276 § 8.]

RCW 43.131.393 Underground storage tank program--Termination.

Applicable Cases

The underground storage tank program shall be terminated on July 1, 2009, as provided in RCW 43.131.394.

[1998 c 155 § 7.]

RCW 43.131.394 Underground storage tank program--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2010:

- (1) RCW 90.76.005 and 1989 c 346 § 1;
- (2) RCW 90.76.010 and 1998 c 155 § 1 & 1989 c 346 § 2;
- (3) RCW 90.76.020 and 1998 c 155 § 2 & 1989 c 346 § 3;
- (4) RCW 90.76.040 and 1998 c 155 § 3 & 1989 c 346 § 5;
- (5) RCW 90.76.050 and 1998 c 155 § 4 & 1989 c 346 § 6;
- (6) RCW 90.76.060 and 1998 c 155 § 5 & 1989 c 346 § 7;
- (7) RCW 90.76.070 and 1989 c 346 § 8;
- (8) RCW 90.76.080 and 1995 c 403 § 639 & 1989 c 346 § 9;
- (9) RCW 90.76.090 and 1998 c 155 § 6 & 1989 c 346 § 10;
- (10) RCW 90.76.100 and 1991 sp.s. c 13 § 72 & 1989 c 346 § 11;

- (11) RCW 90.76.110 and 1991 c 83 § 1 & 1989 c 346 § 12;
- (12) RCW 90.76.120 and 1989 c 346 § 13;
- (13) RCW 90.76.900 and 1989 c 346 § 15;
- (14) RCW 90.76.901 and 1989 c 346 § 14; and
- (15) RCW 90.76.902 and 1989 c 346 § 18.

[1998 c 155 § 8.]

RCW 43.131.395 Parimutuel taxes and redistributions--Review.

Applicable Cases

The reduction in parimutuel taxes and redistributions under sections 5 through 7, chapter 345, Laws of 1998 shall be reviewed under this chapter before June 30, 2001.

[1998 c 345 § 8.]

Notes:

Severability--Effective date--Contingent effective date--1998 c 345: See notes following RCW 15.04.090.

RCW 43.131.396 Parimutuel taxes and redistributions--Repeal.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2001:

- (1) RCW 67.16.100 and 1998 c 345 § 5, 1995 c 399 § 166, & 1991 c 270 § 4;
- (2) RCW 67.16.105 and 1998 c 345 § 6, 1997 c 87 § 3, 1995 c 173 § 2, 1994 c 159 § 2, 1993 c 170 § 2, 1991 c 270 § 6, 1987 c 347 § 4, 1985 c 146 § 7, 1982 c 32 § 3, & 1979 c 31 § 6; and
- (3) RCW 67.16.170 and 1998 c 345 § 7, 1991 c 270 § 8, 1987 c 347 § 2, 1985 c 146 § 9, 1983 c 228 § 1, & 1979 c 31 § 5.

[1998 c 345 § 9.]

Notes:

Severability--Effective date--Contingent effective date--1998 c 345: See notes following RCW 15.04.090.

RCW 43.131.900 Expiration of RCW 43.131.010 through 43.131.150--Exception.

Applicable Cases

RCW 43.131.010 through 43.131.150 shall expire on June 30, 2000, unless extended by law for an additional fixed period of time.

[1988 c 17 § 2; 1982 c 223 § 16; 1979 c 22 § 3; 1977 ex.s. c 289 § 16.]

RCW 43.131.901 Severability--1977 ex.s. c 289.

Applicable Cases

If any provision of this 1977 amendatory act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the

1977 amendatory act which can be given effect without the invalid provision or application, and to this end the provisions of this 1977 amendatory act are declared severable.

[1977 ex.s. c 289 § 18.]

RCW 43.131.910 Severability--1979 c 99.

Applicable Cases

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

[1979 c 99 § 90.]

Chapter 43.132 RCW

FISCAL IMPACT OF PROPOSED LEGISLATION ON POLITICAL SUBDIVISIONS

RCW

43.132.010	Intent.
43.132.020	Fiscal notes--Preparation--Contents--Scope--Revisions--Reports.
43.132.030	Designation of department of community, trade, and economic development to prepare fiscal notes--Cooperation of state agencies, legislative staffs, and local government associations.
43.132.040	Fiscal notes--Transmission of copies to designated recipients.
43.132.050	Fiscal notes--Transmission of copies upon request.
43.132.055	Fiscal notes--Expenditures by local government--Fiscal responsibility.
43.132.060	Legislative action upon or validity of measures not affected.

Notes:

Legislative fiscal notes: Chapter 43.88A RCW.

RCW 43.132.010 Intent.

Applicable Cases

It is the intent of this chapter to create a uniform and coordinated procedure to determine the fiscal impact of proposed legislation on units of local government.

[1977 ex.s. c 19 § 1.]

RCW 43.132.020 Fiscal notes--Preparation--Contents--Scope--Revisions--Reports.

Applicable Cases

The director of financial management or the director's designee shall, in cooperation with appropriate legislative committees and legislative staff, establish a mechanism for the determination of the fiscal impact of proposed legislation which if enacted into law would directly or indirectly increase or decrease revenues received or expenditures incurred by counties, cities, towns, or any other political subdivisions of the state. The office of financial management shall, when requested by a member of the state legislature, report in writing as to such fiscal

impact and said report shall be known as a "fiscal note".

Such fiscal notes shall indicate by fiscal year the total impact on the subdivisions involved for the first two years the legislation would be in effect and also a cumulative six year forecast of the fiscal impact. Where feasible and applicable, the fiscal note also shall indicate the fiscal impact on each individual county or on a representative sampling of cities, towns, or other political subdivisions.

A fiscal note as defined in this section shall be provided only upon request of any member of the state legislature. A legislator also may request that such a fiscal note be revised to reflect the impact of proposed amendments or substitute bills. Fiscal notes shall be completed within seventy-two hours of the request unless a longer time period is allowed by the requesting legislator. In the event a fiscal note has not been completed within seventy-two hours of a request, a daily report shall be prepared for the requesting legislator by the director of financial management which report summarizes the progress in preparing the fiscal note. If the request is referred to the director of community, trade, and economic development, the daily report shall also include the date and time such referral was made.

[1995 c 399 § 79; 1984 c 125 § 16; 1979 c 151 § 149; 1977 ex.s. c 19 § 2.]

Notes:

Severability--Headings--Effective date--1984 c 125: See RCW 43.63A.901 through 43.63A.903.

RCW 43.132.030 Designation of department of community, trade, and economic development to prepare fiscal notes--Cooperation of state agencies, legislative staffs, and local government associations.

Applicable Cases

The director of financial management is hereby empowered to designate the director of community, trade, and economic development as the official responsible for the preparation of fiscal notes authorized and required by this chapter. It is the intent of the legislature that when necessary the resources of other state agencies, appropriate legislative staffs, and the various associations of local government may be employed in the development of such fiscal notes.

[1995 c 399 § 80; 1985 c 6 § 10; 1979 c 151 § 150; 1977 ex.s. c 19 § 3.]

RCW 43.132.040 Fiscal notes--Transmission of copies to designated recipients.

Applicable Cases

When a fiscal note is prepared and approved as to form and completeness by the director of financial management, the director shall transmit copies immediately to:

- (1) The requesting legislator;
- (2) With respect to proposed legislation held by the senate, the chairperson of the committee which holds or has acted upon the proposed legislation, the chairperson of the ways and means committee, the chairperson of the local government committee, and the secretary of the senate; and
- (3) With respect to proposed legislation held by the house of representatives, the chairperson of the committee which holds or has acted upon the proposed legislation, the

chairpersons of the revenue and taxation and appropriations committees, the chairperson of the local government committee, and the chief clerk of the house of representatives.

[1986 c 158 § 18; 1979 c 151 § 151; 1977 ex.s. c 19 § 4.]

RCW 43.132.050 Fiscal notes--Transmission of copies upon request.

Applicable Cases

The office of financial management may make additional copies of the fiscal note available to members of the legislature and others on request.

At the request of any member of the senate or house of representatives, whichever is considering the proposed legislation, and unless it is prohibited by the rules of the body, copies of the fiscal note or a synopsis thereof shall be placed on the members' desks at the time the proposed legislation takes its place on the second reading calendar.

Whenever proposed legislation accompanied by such a fiscal note is passed by either the senate or the house of representatives, the fiscal note shall be transmitted with the bill to the other house.

[1986 c 158 § 19; 1979 c 151 § 152; 1977 ex.s. c 19 § 5.]

RCW 43.132.055 Fiscal notes--Expenditures by local government--Fiscal responsibility.

Applicable Cases

When the fiscal note indicates that a bill or resolution would require expenditures of funds by a county, city, town, or other unit of local government, the legislature shall determine the state's fiscal responsibility and shall make every effort to appropriate the funds or provide the revenue generating authority necessary to implement the legislation during the ensuing biennium.

[1979 ex.s. c 112 § 2.]

RCW 43.132.060 Legislative action upon or validity of measures not affected.

Applicable Cases

Nothing in this chapter shall prevent either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules of the senate and house of representatives, nor shall the lack of any fiscal note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

[1977 ex.s. c 19 § 6.]

**Chapter 43.133 RCW
WASHINGTON SUNRISE ACT**

RCW

- 43.133.010 Legislative declaration.
- 43.133.020 Definitions.
- 43.133.030 Sunrise notes--Procedure.

43.133.040	Sunrise notes--Contents.
43.133.050	Sunrise notes--Preparation.
43.133.060	Sunrise notes--Filing.
43.133.070	Forwarding of notification and sunrise note to committees when standing committee votes out bill creating board or special purpose district.
43.133.080	Effect of chapter on validity of legislative action.
43.133.900	Short title.

RCW 43.133.010 Legislative declaration.

Applicable Cases

Because of the proliferation of boards and special purpose districts, the legislature recognizes the necessity of developing a uniform and coordinated procedure for determining the need for these new units of government.

[1987 c 342 § 1.]

RCW 43.133.020 Definitions.

Applicable Cases

(1) For purposes of this chapter, "special purpose district" means any unit of local government other than a city, town, county, or school district.

(2) For purposes of this chapter, "board" means a board, commission, council, committee or task force.

[1987 c 342 § 2.]

RCW 43.133.030 Sunrise notes--Procedure.

Applicable Cases

The office of financial management and the department of community, trade, and economic development shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of sunrise notes on the expected impact of bills and resolutions that authorize the creation of new boards and new types of special purpose districts.

[1995 c 399 § 81; 1987 c 342 § 3.]

RCW 43.133.040 Sunrise notes--Contents.

Applicable Cases

Sunrise notes shall include:

- (1) The purpose and expected impact of the new board or special purpose district;
- (2) The powers and duties of the new board or special purpose district;
- (3) The direct or potential duplication of the powers and duties of existing boards or special purpose districts; and
- (4) Other information relevant to the need for the new board or special purpose district.

[1987 c 342 § 4.]

RCW 43.133.050 Sunrise notes--Preparation.

Applicable Cases

(1) The office of financial management shall prepare sunrise notes for legislation concerning the creation of new boards. The department of community, trade, and economic development shall prepare sunrise notes for legislation creating new types of special purpose districts.

(2) A sunrise note shall be prepared for all executive and agency request legislation that creates a board or special purpose district.

(3) The office of financial management or the department of community, trade, and economic development shall also provide a sunrise note at the request of any committee of the legislature.

[1995 c 399 § 82; 1987 c 342 § 5.]

RCW 43.133.060 Sunrise notes--Filing.

Applicable Cases

Sunrise notes shall be filed with:

(1) The committee to which the bill or resolution was referred upon introduction in the house of origin;

(2) The senate committee on ways and means or its successor;

(3) The house of representatives committee on ways and means or its successor;

(4) The senate governmental operations committee or its successor; and

(5) The house of representatives state government committee or its successor.

[1987 c 342 § 6.]

RCW 43.133.070 Forwarding of notification and sunrise note to committees when standing committee votes out bill creating board or special purpose district.

Applicable Cases

Legislative standing committees shall forward notification and the sunrise note, if available, to the senate or house of representatives ways and means committee and the senate governmental operations committee or the house of representatives state government committee whenever a bill providing for the creation of a new board or special purpose district is voted out of the standing committee.

[1987 c 342 § 7.]

RCW 43.133.080 Effect of chapter on validity of legislative action.

Applicable Cases

Nothing in this chapter prevents either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any sunrise note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure

otherwise duly passed by the legislature.

[1987 c 342 § 8.]

RCW 43.133.900 Short title.

Applicable Cases

This chapter shall be known as the Washington sunrise act.

[1987 c 342 § 9.]

**Chapter 43.135 RCW
STATE EXPENDITURES LIMITATIONS**

(Formerly Tax revenue limitations)

43.135.010	Findings--Intent.
43.135.025	General fund expenditure limit--Computation--Annual limit adjustment--Definitions--Emergency exception--State treasurer duty, penalty.
43.135.035	Tax legislation--Conditions and restrictions--Ballot title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer.
43.135.045	Emergency reserve fund--Excess balance to education construction fund--Appropriation conditions.
43.135.051	Emergency reserve fund--State investment board authority to invest or manage.
43.135.055	Fee increase restriction--Exception.
43.135.060	Prohibition of new or extended programs without full reimbursement--Transfer of programs--Determination of costs.
43.135.080	Reenactment and reaffirmation of Initiative Measure No. 601--Continued limitations--Exceptions.
43.135.902	Short title--1994 c 2.
43.135.903	Severability--1994 c 2.
43.135.904	Effective dates--1994 c 2.

RCW 43.135.010 Findings--Intent.

Applicable Cases

The people of the state of Washington hereby find and declare:

(1) The continuing increases in our state tax burden and the corresponding growth of state government is contrary to the interest of the people of the state of Washington.

(2) It is necessary to limit the rate of growth of state government while assuring adequate funding of essential services, including basic education as defined by the legislature.

(3) The current budgetary system in the state of Washington lacks stability. The system encourages crisis budgeting and results in cutbacks during lean years and overspending during surplus years.

(4) It is therefore the intent of this chapter to:

(a) Establish a limit on state expenditures that will assure that the growth rate of state expenditures does not exceed the growth rate of inflation and state population;

(b) Assure that local governments are provided funds adequate to render those services deemed essential by their citizens;

(c) Assure that the state does not impose responsibility on local governments for new

programs or increased levels of service under existing programs unless the costs thereof are paid by the state;

(d) Provide for adjustment of the limit when costs of a program are transferred between the state and another political entity;

(e) Establish a procedure for exceeding this limit in emergency situations;

(f) Provide for voter approval of tax increases; and

(g) Avoid overfunding and underfunding state programs by providing stability, consistency, and long-range planning.

[1994 c 2 § 1 (Initiative Measure No. 601, approved November 2, 1993); 1980 c 1 § 1 (Initiative Measure No. 62, approved November 6, 1979).]

RCW 43.135.025 General fund expenditure limit--Computation--Annual limit adjustment--Definitions--Emergency exception--State treasurer duty, penalty.

Applicable Cases

(1) The state shall not expend from the general fund during any fiscal year state moneys in excess of the state expenditure limit established under this chapter.

(2) Except pursuant to a declaration of emergency under RCW 43.135.035 or pursuant to an appropriation under RCW 43.135.045(4)(b), the state treasurer shall not issue or redeem any check, warrant, or voucher that will result in a state general fund expenditure for any fiscal year in excess of the state expenditure limit established under this chapter. A violation of this subsection constitutes a violation of RCW 43.88.290 and shall subject the state treasurer to the penalties provided in RCW 43.88.300.

(3) The state expenditure limit for any fiscal year shall be the previous fiscal year's state expenditure limit increased by a percentage rate that equals the fiscal growth factor.

(4) For purposes of computing the state expenditure limit for the fiscal year beginning July 1, 1995, the phrase "the previous fiscal year's state expenditure limit" means the total state expenditures from the state general fund, not including federal funds, for the fiscal year beginning July 1, 1989, plus the fiscal growth factor. This calculation is then computed for the state expenditure limit for fiscal years 1992, 1993, 1994, and 1995, and as required under RCW 43.135.035(4).

(5) Each November, the office of financial management shall adjust the expenditure limit for the preceding fiscal year based on actual expenditures and known changes in the fiscal growth factor and then project an expenditure limit for the next two fiscal years. The office of financial management shall notify the legislative fiscal committees of all adjustments to the state expenditure limit and projections of future expenditure limits.

(6) "Fiscal growth factor" means the average of the sum of inflation and population change for each of the prior three fiscal years.

(7) "Inflation" means the percentage change in the implicit price deflator for the United States for each fiscal year as published by the federal bureau of labor statistics.

(8) "Population change" means the percentage change in state population for each fiscal year as reported by the office of financial management.

[1994 c 2 § 2 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.035 Tax legislation--Conditions and restrictions--Ballot title--Declarations of emergency--Taxes on intangible property--Expenditure limit to reflect program cost shifting or fund transfer.

Applicable Cases

(1) After July 1, 1995, any action or combination of actions by the legislature that raises state revenue or requires revenue-neutral tax shifts may be taken only if approved by a two-thirds vote of each house, and then only if state expenditures in any fiscal year, including the new revenue, will not exceed the state expenditure limits established under this chapter.

(2)(a) If the legislative action under subsection (1) of this section will result in expenditures in excess of the state expenditure limit, then the action of the legislature shall not take effect until approved by a vote of the people at a November general election. The office of financial management shall adjust the state expenditure limit by the amount of additional revenue approved by the voters under this section. This adjustment shall not exceed the amount of revenue generated by the legislative action during the first full fiscal year in which it is in effect. The state expenditure limit shall be adjusted downward upon expiration or repeal of the legislative action.

(b) The ballot title for any vote of the people required under this section shall be substantially as follows:

"Shall taxes be imposed on in order to allow a spending increase above last year's authorized spending adjusted for inflation and population increases?"

(3)(a) The state expenditure limit may be exceeded upon declaration of an emergency for a period not to exceed twenty-four months by a law approved by a two-thirds vote of each house of the legislature and signed by the governor. The law shall set forth the nature of the emergency, which is limited to natural disasters that require immediate government action to alleviate human suffering and provide humanitarian assistance. The state expenditure limit may be exceeded for no more than twenty-four months following the declaration of the emergency and only for the purposes contained in the emergency declaration.

(b) Additional taxes required for an emergency under this section may be imposed only until thirty days following the next general election, unless an extension is approved at that general election. The additional taxes shall expire upon expiration of the declaration of emergency. The legislature shall not impose additional taxes for emergency purposes under this subsection unless funds in the education construction fund have been exhausted.

(c) The state or any political subdivision of the state shall not impose any tax on intangible property listed in RCW 84.36.070 as that statute exists on January 1, 1993.

(4) If the cost of any state program or function is shifted from the state general fund on or after January 1, 1993, to another source of funding, or if moneys are transferred from the state general fund to another fund or account, the office of financial management shall lower the state

expenditure limit to reflect the shift.

[1994 c 2 § 4 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.045 Emergency reserve fund--Excess balance to education construction fund--Appropriation conditions.

Applicable Cases

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of biennial general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer to the education construction fund hereby created in the treasury.

(4)(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

[1994 c 2 § 3 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.051 Emergency reserve fund--State investment board authority to invest or manage.

Applicable Cases

(1) The state investment board has the full power to invest, reinvest, manage, contract, sell, or exchange investment moneys in the emergency reserve fund. All investment and operating costs associated with the investment of money shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money shall be retained by the fund.

(2) All investments made by the state investment board shall be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policies established by the state investment board.

(3) As deemed appropriate by the state investment board, moneys in the fund may be commingled for investment with other funds subject to investment by the board.

[1999 c 288 § 1.]

Notes:

Effective date--1999 c 288: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 288 § 3.]

RCW 43.135.055 Fee increase restriction--Exception.

Applicable Cases

(1) No fee may increase in any fiscal year by a percentage in excess of the fiscal growth factor for that fiscal year without prior legislative approval.

(2) This section does not apply to an assessment made by an agricultural commodity commission or board created by state statute or created under a marketing agreement or order under chapter 15.65 or 15.66 RCW if the assessment is approved by referendum in accordance with the provisions of the statutes creating the commission or board or chapter 15.65 or 15.66 RCW for approving such assessments.

[1997 c 303 § 2; 1994 c 2 § 8 (Initiative Measure No. 601, approved November 2, 1993).]

Notes:

Findings--1997 c 303: "The legislature finds that Initiative Measure No. 601, adopted by the people of the state of Washington, limits fee increases by requiring that any increases in fees beyond the levels expressly allowed under the initiative receive the prior approval of the legislature. The legislature finds that a more direct system of allowing the people to control fee increases predates Initiative Measure No. 601. This system developed in agricultural communities and provides these communities with direct control of the fees of the agricultural commodity commissions they created to serve them. The system requires those who pay the assessments levied by commodity commissions and boards to approve of assessment increases by referendum. It is at the heart of the statutes and marketing orders and agreements under which agricultural commodity commissions and boards are created. The legislature does not believe that the adoption of Initiative Measure No. 601 was intended to dilute in any manner this more direct control held by the people governed by commodity commissions or boards over the fees they pay in the form of such assessments. Therefore, the legislature defers to this more direct control of these assessments so long as the authority to approve or disapprove of increases in these assessments is by referendum held directly by those who pay them." [1997 c 303 § 1.]

Effective date--1997 c 303 §§ 1-3: "Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 9, 1997]." [1997 c 303 § 9.]

RCW 43.135.060 Prohibition of new or extended programs without full reimbursement--Transfer of programs--Determination of costs.

Applicable Cases

(1) After July 1, 1995, the legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any political subdivision of the state unless the subdivision is fully reimbursed by the state for the costs of the new programs or increases in service levels. Reimbursement by the state may be made by: (a) A specific appropriation; or (b) increases in state distributions of revenue to political subdivisions occurring after January 1, 1998.

(2) If by order of any court, or legislative enactment, the costs of a federal or local government program are transferred to or from the state, the otherwise applicable state

expenditure limit shall be increased or decreased, as the case may be, by the dollar amount of the costs of the program.

(3) The legislature, in consultation with the office of financial management or its successor agency, shall determine the costs of any new programs or increased levels of service under existing programs imposed on any political subdivision or transferred to or from the state.

(4) Subsection (1) of this section does not apply to the costs incurred for voting devices or machines under RCW 29.04.200.

[1998 c 321 § 15 (Referendum Bill No. 49, approved November 3, 1998); 1994 c 2 § 5 (Initiative Measure No. 601, approved November 2, 1993); 1990 2nd ex.s. c 1 § 601; 1990 c 184 § 2; 1980 c 1 § 6 (Initiative Measure No. 62, approved November 6, 1979).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Local government reimbursement claims: RCW 4.92.280.

RCW 43.135.080 Reenactment and reaffirmation of Initiative Measure No. 601--Continued limitations--Exceptions.

Applicable Cases

(1) Initiative Measure No. 601 (chapter 43.135 RCW, as amended by chapter 321, Laws of 1998 and the amendatory changes enacted by section 6, chapter 2, Laws of 1994) is hereby reenacted and reaffirmed. The legislature also adopts chapter 321, Laws of 1998 to continue the general fund revenue and expenditure limitations contained in this chapter 43.135 RCW after this one-time transfer of funds.

(2) RCW 43.135.035(4) does not apply to sections 5 through 13, chapter 321, Laws of 1998.

[1998 c 321 § 14 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 43.135.902 Short title--1994 c 2.

Applicable Cases

This chapter may be known and cited as the taxpayer protection act.

[1994 c 2 § 10 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.903 Severability--1994 c 2.

Applicable Cases

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

[1994 c 2 § 12 (Initiative Measure No. 601, approved November 2, 1993).]

RCW 43.135.904 Effective dates--1994 c 2.

Applicable Cases

(1) Sections 8 and 13 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [December 2, 1993].

(2) Sections 1 through 7 and 9 through 12 of this act shall take effect July 1, 1995.

[1994 c 2 § 14 (Initiative Measure No. 601, approved November 2, 1993).]

**Chapter 43.136 RCW
TERMINATION OF TAX PREFERENCES**

43.136.010	Legislative findings--Intent.
43.136.020	"Tax preference" defined.
43.136.030	Legislative budget committee and department of revenue--Review of tax preferences--Reports.
43.136.040	Legislative budget committee review of tax preferences--Factors for consideration.
43.136.050	Powers and duties of ways and means committees.
43.136.070	Report on existing tax preferences to be provided--Additional information to be provided.

Notes:

Listing of reduction in revenues from tax exemptions to be submitted to legislature by department of revenue--Periodic review and submission of recommendations to legislature by governor: RCW 43.06.400.

RCW 43.136.010 Legislative findings--Intent.

Applicable Cases

The legislature recognizes that tax preferences are enacted by the legislature to meet objectives which are determined to be in the public interest. The legislature finds, however, that some tax preferences may not be efficient or equitable tools for the achievement of current legislative objectives. The legislature finds that unless it can be demonstrated that the public interest is served by the continued existence of tax preferences, they should be terminated or modified. The legislature further finds that periodic evaluations of tax preferences are needed to determine if their continued existence is in the public interest.

It is the intent of the legislature to establish a mechanism for scheduling periodic evaluations of tax preferences together with a system for their termination, continuation, or modification. By this mechanism, the legislature intends to ensure that thorough periodic evaluations are made and that those tax preferences which do not continue to serve the public interest are terminated or modified.

[1982 1st ex.s. c 35 § 39.]

Notes:

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.020 "Tax preference" defined.

Applicable Cases

As used in this chapter, "tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate.

[1982 1st ex.s. c 35 § 40.]

Notes:

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.030 *Legislative budget committee and department of revenue--Review of tax preferences--Reports.

Applicable Cases

The *legislative budget committee shall review each tax preference for termination by the processes provided in this chapter. The review shall be completed and a report prepared on or before June 30th of the year prior to the date established for termination. Upon completion of its report, the *legislative budget committee shall transmit copies of the report to the department of revenue. The department of revenue may then conduct its own review of the tax preference scheduled for termination and shall prepare a report on or before September 30th of the year prior to the date established for termination. Upon completion of its report the department of revenue shall transmit copies of its report to the *legislative budget committee. The *legislative budget committee shall prepare a final report that includes the reports of both the department of revenue and the *legislative budget committee. The *legislative budget committee and the department of revenue shall, upon request, make available to each other all working papers, studies, and other documents which relate to reports required under this section. The *legislative budget committee shall transmit the final report to all members of the legislature, to the governor, and to the state library.

[1982 1st ex.s. c 35 § 41.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.040 *Legislative budget committee review of tax preferences--Factors for consideration.

Applicable Cases

In reviewing a tax preference, the *legislative budget committee shall develop

information needed by the legislature to determine if the tax preference should be terminated as scheduled, modified, or reestablished without modification. The *legislative budget committee shall consider, but not be limited to, the following factors in the review.

(1) The persons or organizations whose state tax liabilities are directly affected by the tax preference.

(2) Legislative objectives that might provide a justification for the tax preference.

(3) Evidence that the existence of the tax preference has contributed to the achievement of any of the objectives identified in subsection (2) of this section.

(4) The extent to which continuation of the tax preference beyond its scheduled termination date might contribute to any of the objectives identified in subsection (2) of this section.

(5) Fiscal impacts of the tax preference, including past impacts and expected future impacts if it is not terminated as scheduled.

(6) The extent to which termination of the tax preference would affect the distribution of liability for payment of state taxes.

[1982 1st ex.s. c 35 § 42.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.050 Powers and duties of ways and means committees.

Applicable Cases

(1) Following receipt of the final report from the *legislative budget committee, the ways and means committees of the house of representatives and the senate shall jointly hold a public hearing to consider the final report and any related data. The committees shall also receive testimony from the governor, or the governor's designee, and other interested parties, including the general public.

(2) Following the joint hearing, the committees may separately hold additional meetings or hearings to come to a final determination as to whether a continuation, modification, or termination of a tax preference is in the public interest. If a committee determines that a tax preference should be continued or modified, it shall make the determination as a bill. No more than one tax preference shall be reestablished or modified in any one bill.

[1982 1st ex.s. c 35 § 43.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

RCW 43.136.070 Report on existing tax preferences to be provided--Additional information to be provided.

Applicable Cases

On or before September 30, 1982, the department of revenue shall provide the *select joint committee with a report on existing tax preferences. The report shall include a list of tax preferences and a description of each one. Upon request of the *select joint committee, the department of revenue shall provide additional information needed by the *select joint committee to meet its responsibilities under this chapter.

[1982 1st ex.s. c 35 § 45.]

Notes:

*Reviser's note: RCW 43.115.050, which created the select joint committee, was repealed by 1993 c 142 § 1.

Severability--Effective dates--1982 1st ex.s. c 35: See notes following RCW 82.08.020.

Chapter 43.140 RCW GEOTHERMAL ENERGY

RCW

43.140.010	Purpose.
43.140.020	Definitions.
43.140.030	Geothermal account--Deposit of revenues.
43.140.040	Geothermal account--Limitations on distributions.
43.140.050	Distribution of funds to county of origin.
43.140.060	Appropriation for exploration and assessment of geothermal energy--Reimbursement.
43.140.900	Termination of chapter.

Notes:

Geothermal resources: RCW 79.12.095.

RCW 43.140.010 Purpose.

Applicable Cases

The purpose of this chapter is to provide for the allocation of revenues distributed to the state under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) in order to accomplish the following general objectives:

- (1) Reduction of dependence on nonrenewable energy and stimulation of the state's economy through development of geothermal energy.
- (2) Mitigation of the social, economic, and environmental impacts of geothermal development.
- (3) Financial assistance to counties to offset the costs of providing public services and facilities necessitated by the development of geothermal resources within their jurisdictions.
- (4) Maintenance of the productivity of renewable resources through the investment of

proceeds from these resources.

[1981 c 158 § 1.]

RCW 43.140.020 Definitions.

Applicable Cases

As used in this chapter:

(1) "County of origin" means any county in which the United States bureau of land management has leased lands for geothermal development.

(2) "Geothermal energy" means the natural heat of the earth and the medium by which this heat is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines, and associated gas but excluding oil, hydrocarbon gas, and other hydrocarbon substances.

[1981 c 158 § 2.]

RCW 43.140.030 Geothermal account--Deposit of revenues.

Applicable Cases

There is created the geothermal account in the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW.

All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) shall be deposited in the geothermal account in the state treasury immediately upon receipt.

[1991 sp.s. c 13 § 7; 1985 c 57 § 58; 1981 c 158 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 43.140.040 Geothermal account--Limitations on distributions.

Applicable Cases

Distribution of funds from the geothermal account of the general fund shall be subject to the following limitations:

(1) Thirty percent to the department of natural resources for geothermal exploration and assessment;

(2) Thirty percent to Washington State University or its statutory successor for the purpose of encouraging the development of geothermal energy; and

(3) Forty percent to the county of origin for mitigating impacts caused by geothermal energy exploration, assessment, and development.

[1996 c 186 § 510; 1981 c 158 § 4.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.140.050 Distribution of funds to county of origin.

Applicable Cases

The state treasurer shall be responsible for distribution of funds to the county of origin. Each county's share of rentals and royalties from a lease including lands in more than one county shall be computed on the basis of the ratio that the acreage within each county has to the total acreage in the lease. Washington State University shall obtain the necessary information to make the distribution of funds on such a basis.

[1996 c 186 § 511; 1996 c 186 § 107; 1981 c 158 § 5.]

Notes:

Reviser's note: This section was amended by 1996 c 186 § 107 and by 1996 c 186 § 511, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

RCW 43.140.060 Appropriation for exploration and assessment of geothermal energy--Reimbursement.

Applicable Cases

The legislature hereby appropriates one hundred forty-eight thousand dollars from the general fund of the state treasury to the department of natural resources for the purpose of exploration and assessment of geothermal energy within the state of Washington. The department of natural resources shall reimburse the general fund from its share of the revenues credited to the geothermal account up to one hundred forty-eight thousand dollars. Geothermal Steam Act revenues credited to the department's share of the geothermal account in excess of one hundred forty-eight thousand dollars shall be expended by the department of natural resources for the purpose of exploration and assessment of geothermal energy within the state of Washington.

[1981 c 158 § 7.]

RCW 43.140.900 Termination of chapter.

Applicable Cases

This chapter shall terminate on June 30, 2001.

[1991 c 76 1; 1981 c 158 § 8.]

**Chapter 43.143 RCW
OCEAN RESOURCES MANAGEMENT ACT**

RCW

43.143.005 Legislative findings.

43.143.010 Legislative policy and intent--Moratorium on leases for oil and gas exploration, development, or

	production--Appeals from regulation of recreational uses--Participation in federal ocean and marine resource decisions.
43.143.020	Definitions.
43.143.030	Planning and project review criteria.
43.143.900	Captions not law.
43.143.901	Short title.
43.143.902	Severability--1989 1st ex.s. c 2.

Notes:

Oil or gas exploration in marine waters: RCW 90.58.550.

Transport of petroleum products or hazardous substances: Chapter 88.40 RCW.

RCW 43.143.005 Legislative findings.

Applicable Cases

(1) Washington's coastal waters, seabed, and shorelines are among the most valuable and fragile of its natural resources.

(2) Ocean and marine-based industries and activities, such as fishing, aquaculture, tourism, and marine transportation have played a major role in the history of the state and will continue to be important in the future.

(3) Washington's coastal waters, seabed, and shorelines are faced with conflicting use demands. Some uses may pose unacceptable environmental or social risks at certain times.

(4) The state of Washington has primary jurisdiction over the management of coastal and ocean natural resources within three miles of its coastline. From three miles seaward to the boundary of the two hundred mile exclusive economic zone, the United States federal government has primary jurisdiction. Since protection, conservation, and development of the natural resources in the exclusive economic zone directly affect Washington's economy and environment, the state has an inherent interest in how these resources are managed.

[1997 c 152 § 1; 1989 1st ex.s. c 2 § 8.]

RCW 43.143.010 Legislative policy and intent--Moratorium on leases for oil and gas exploration, development, or production--Appeals from regulation of recreational uses--Participation in federal ocean and marine resource decisions.

Applicable Cases

(1) The purpose of this chapter is to articulate policies and establish guidelines for the exercise of state and local management authority over Washington's coastal waters, seabed, and shorelines.

(2) There shall be no leasing of Washington's tidal or submerged lands extending from mean high tide seaward three miles along the Washington coast from Cape Flattery south to Cape Disappointment, nor in Grays Harbor, Willapa Bay, and the Columbia river downstream from the Longview bridge, for purposes of oil or gas exploration, development, or production.

(3) When conflicts arise among uses and activities, priority shall be given to resource uses

and activities that will not adversely impact renewable resources over uses which are likely to have an adverse impact on renewable resources.

(4) It is the policy of the state of Washington to actively encourage the conservation of liquid fossil fuels, and to explore available methods of encouraging such conservation.

(5) It is not currently the intent of the legislature to include recreational uses or currently existing commercial uses involving fishing or other renewable marine or ocean resources within the uses and activities which must meet the planning and review criteria set forth in RCW 43.143.030. It is not the intent of the legislature, however, to permanently exclude these uses from the requirements of RCW 43.143.030. If information becomes available which indicates that such uses should reasonably be covered by the requirements of RCW 43.143.030, the permitting government or agency may require compliance with those requirements, and appeals of that decision shall be handled through the established appeals procedure for that permit or approval.

(6) The state shall participate in federal ocean and marine resource decisions to the fullest extent possible to ensure that the decisions are consistent with the state's policy concerning the use of those resources.

[1997 c 152 § 2; 1995 c 339 § 1; 1989 1st ex.s. c 2 § 9.]

RCW 43.143.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Coastal counties" means Clallam, Jefferson, Grays Harbor, and Pacific counties.

(2) "Coastal waters" means the waters of the Pacific Ocean seaward from Cape Flattery south to Cape Disappointment, from mean high tide seaward two hundred miles.

[1989 1st ex.s. c 2 § 10.]

RCW 43.143.030 Planning and project review criteria.

Applicable Cases

(1) When the state of Washington and local governments develop plans for the management, conservation, use, or development of natural resources in Washington's coastal waters, the policies in RCW 43.143.010 shall guide the decision-making process.

(2) Uses or activities that require federal, state, or local government permits or other approvals and that will adversely impact renewable resources, marine life, fishing, aquaculture, recreation, navigation, air or water quality, or other existing ocean or coastal uses, may be permitted only if the criteria below are met or exceeded:

(a) There is a demonstrated significant local, state, or national need for the proposed use or activity;

(b) There is no reasonable alternative to meet the public need for the proposed use or activity;

(c) There will be no likely long-term significant adverse impacts to coastal or marine

resources or uses;

(d) All reasonable steps are taken to avoid and minimize adverse environmental impacts, with special protection provided for the marine life and resources of the Columbia river, Willapa Bay and Grays Harbor estuaries, and Olympic national park;

(e) All reasonable steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;

(f) Compensation is provided to mitigate adverse impacts to coastal resources or uses;

(g) Plans and sufficient performance bonding are provided to ensure that the site will be rehabilitated after the use or activity is completed; and

(h) The use or activity complies with all applicable local, state, and federal laws and regulations.

[1989 1st ex.s. c 2 § 11.]

RCW 43.143.900 Captions not law.

Applicable Cases

Section captions as used in this chapter do not constitute any part of the law.

[1989 1st ex.s. c 2 § 18.]

RCW 43.143.901 Short title.

Applicable Cases

Sections 8 through 12 of this act shall constitute a new chapter in Title 43 RCW and may be known and cited as the ocean resources management act.

[1989 1st ex.s. c 2 § 19.]

RCW 43.143.902 Severability--1989 1st ex.s. c 2.

Applicable Cases

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

[1989 1st ex.s. c 2 § 20.]

**Chapter 43.145 RCW
NORTHWEST INTERSTATE COMPACT ON LOW-LEVEL RADIOACTIVE WASTE
MANAGEMENT**

RCW

- | | |
|------------|---|
| 43.145.010 | Compact. |
| 43.145.020 | Requirements of Washington representative to Northwest low-level waste compact committee. |
| 43.145.030 | Rule-making authority. |

Notes:

RCW 43.145.010 Compact.

Applicable Cases

The Northwest Interstate Compact on Low-Level Radioactive Waste Management is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and other states joining the compact in accordance with the terms of the compact.

NORTHWEST INTERSTATE COMPACT ON
LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT

ARTICLE I--Policy and Purpose

The party states recognize that low-level radioactive wastes are generated by essential activities and services that benefit the citizens of the states. It is further recognized that the protection of the health and safety of the citizens of the party states and the most economical management of low-level radioactive wastes can be accomplished through cooperation of the states in minimizing the amount of handling and transportation required to dispose of such wastes and through the cooperation of the states in providing facilities that serve the region. It is the policy of the party states to undertake the necessary cooperation to protect the health and safety of the citizens of the party states and to provide for the most economical management of low-level radioactive wastes on a continuing basis. It is the purpose of this compact to provide the means for such a cooperative effort among the party states so that the protection of the citizens of the states and the maintenance of the viability of the states' economies will be enhanced while sharing the responsibilities of radioactive low-level waste management.

ARTICLE II--Definitions

As used in this compact:

(1) "Facility" means any site, location, structure, or property used or to be used for the storage, treatment, or disposal of low-level waste, excluding federal waste facilities;

(2) "Low-level waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than ten nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations;

(3) "Generator" means any person, partnership, association, corporation, or any other entity whatsoever which, as a part of its activities, produces low-level radioactive waste;

(4) "Host state" means a state in which a facility is located.

ARTICLE III--Regulatory Practices

Each party state hereby agrees to adopt practices which will require low-level waste shipments originating within its borders and destined for a facility within another party state to conform to the applicable packaging and transportation requirements and regulations of the host state. Such practices shall include:

(1) Maintaining an inventory of all generators within the state that have shipped or expect to ship low-level waste to facilities in another party state;

(2) Periodic unannounced inspection of the premises of such generators and the waste management activities thereon;

(3) Authorization of the containers in which such waste may be shipped, and a requirement that generators use only that type of container authorized by the state;

(4) Assurance that inspections of the carriers which transport such waste are conducted by proper authorities, and appropriate enforcement action taken for violations;

(5) After receiving notification from a host state that a generator within the party state is in violation of applicable packaging or transportation standards, the party state will take appropriate action to assure that such violations do not recur. Such action may include inspection of every individual low-level waste shipment by that generator.

Each party state may impose fees upon generators and shippers to recover the cost of the inspections and other practices under this Article. Nothing in this Article shall be construed to limit any party state's authority to impose additional or more stringent standards on generators or carriers than those required under this Article.

ARTICLE IV--Regional Facilities

Section 1. Facilities located in any party state, other than facilities established or maintained by individual low-level waste generators for the management of their own low-level waste, shall accept low-level waste generated in any party state if such waste has been packaged and transported according to applicable laws and regulations.

Section 2. No facility located in any party state may accept low-level waste generated outside of the region comprised of the party states, except as provided in Article V.

Section 3. Until such time as Section 2 takes effect as provided in Article VI, facilities located in any party state may accept low-level waste generated outside of any of the party states only if such waste is accompanied by a certificate of compliance issued by an official of the state in which such waste shipment originated. Such certificate shall be in such form as may be required by the host state, and shall contain at least the following:

(1) The generator's name and address;

(2) A description of the contents of the low-level waste container;

(3) A statement that the low-level waste being shipped has been inspected by the official

who issued the certificate or by his agent or by a representative of the United States Nuclear Regulatory Commission, and found to have been packaged in compliance with applicable federal regulations and such additional requirements as may be imposed by the host state;

(4) A binding agreement by the state of origin to reimburse any party state for any liability or expense incurred as a result of an accidental release of such waste during shipment or after such waste reaches the facility.

Section 4. Each party state shall cooperate with the other party states in determining the appropriate site of any facility that might be required within the region comprised of the party states, in order to maximize public health and safety while minimizing the use of any one party state as the host of such facilities on a permanent basis. Each party state further agrees that decisions regarding low-level waste management facilities in their region will be reached through a good faith process which takes into account the burdens borne by each of the party states as well as the benefits each has received.

Section 5. The party states recognize that the issue of hazardous chemical waste management is similar in many respects to that of low-level waste management. Therefore, in consideration of the state of Washington allowing access to its low-level waste disposal facility by generators in other party states, party states such as Oregon and Idaho which host hazardous chemical waste disposal facilities will allow access to such facilities by generators within other party states. Nothing in this compact may be construed to prevent any party state from limiting the nature and type of hazardous chemical or low-level wastes to be accepted at facilities within its borders or from ordering the closure or [of] such facilities, so long as such action by a host state is applied equally to all generators within the region composed of the party states.

Section 6. Any host state may establish a schedule of fees and requirements related to its facility, to assure that closure, perpetual care, and maintenance and contingency requirements are met, including adequate bonding.

ARTICLE V--Northwest Low-level Waste Compact Committee

The governor of each party state shall designate one official of that state as the person responsible for administration of this compact. The officials so designated shall together comprise the Northwest low-level waste compact committee. The committee shall meet as required to consider matters arising under this compact. The parties shall inform the committee of existing regulations concerning low-level waste management in their states, and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in such regulations. Notwithstanding any provision of Article IV to the contrary, the committee may enter into arrangements with states, provinces, individual generators, or regional compact entities outside the region comprised of the party states for access to facilities on such terms and conditions as the committee may deem appropriate. However, it shall require a two-thirds vote of all such members, including the affirmative vote of the member of any party state in which a facility affected by such arrangement is located, for the committee to enter into such

arrangement.

ARTICLE VI--Eligible Parties and Effective Date

Section 1. Each of the following states is eligible to become a party to this compact: Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. As to any eligible party, this compact shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two states. Any party state may withdraw from this compact by enacting a statute repealing its approval.

Section 2. After the compact has initially taken effect pursuant to Section 1, any eligible party state may become a party to this compact by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1983, whichever occurs first, unless the compact has by then been enacted as a statute by that state.

Section 3. Section 2 of Article IV of this compact shall take effect on July 1, 1983, if consent is given by Congress. As provided in Public Law 96-573, Congress may withdraw its consent to the compact after every five-year period.

ARTICLE VII--Severability

If any provision of this compact, or its application to any person or circumstance, is held to be invalid, all other provisions of this compact, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this compact are severable.

[1981 c 124 § 1.]

RCW 43.145.020 Requirements of Washington representative to Northwest low-level waste compact committee.

Applicable Cases

The person designated as the Washington representative to the committee as specified in Article V shall adhere to all provisions of the low-level radioactive waste compact. In considering special conditions or arrangements for access to the state's facilities from wastes generated outside of the region, the committee member shall ensure at a minimum, that the provisions of Article IV, Section 3 are complied with. After 1992 the Washington representative may approve access to the state's facility only for the states currently members of the Rocky Mountain compact or states which generate less than one thousand cubic feet of waste annually and are contiguous with a state which is a member of the Northwest compact.

[1990 c 21 § 5; 1981 c 124 § 2.]

RCW 43.145.030 Rule-making authority.

Applicable Cases

See RCW 43.200.070.

Chapter 43.146 RCW
PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIAL
TRANSPORTATION MANAGEMENT

RCW

43.146.010 Pacific States Agreement on Radioactive Materials Transportation Management.

43.146.900 Legislative directive--State designee.

RCW 43.146.010 Pacific States Agreement on Radioactive Materials Transportation Management.

Applicable Cases

The Pacific States Agreement on Radioactive Materials Transportation Management is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect between the state and other states joining the agreement in accordance with its terms.

PACIFIC STATES AGREEMENT ON
RADIOACTIVE MATERIALS
TRANSPORTATION MANAGEMENT

ARTICLE I--Policy and Purpose

The party states recognize that protection of the health and safety of citizens and the environment, and the most economical transportation of radioactive materials, can be accomplished through cooperation and coordination among neighboring states. It is the purpose of this agreement to establish a committee comprised of representatives from each party state to further cooperation between the states on emergency response and to coordinate activities by the states to eliminate unnecessary duplication of rules and regulations regarding the transportation and handling of radioactive material.

The party states intend that this agreement facilitate both interstate commerce and protection of public health and the environment. To accomplish this goal, the party states direct the committee to develop model regulatory standards for party states to act upon and direct the committee to coordinate decisions by party states relating to the routing and inspection of shipments of radioactive material.

ARTICLE II--Definitions

As used in this agreement:

- (1) "Carrier" includes common, private, and contract carriers.
- (2) "Hazardous material" means a substance or material which has been determined by the United States department of transportation to be capable of posing an unreasonable risk to

health, safety, and property when transported in commerce, and which has been so designated.

(3) "Radioactive material" has the meaning given that term in federal department of transportation regulations found in 49 C.F.R. Sec. 173, and includes, but is not limited to, high-level radioactive waste, low-level radioactive waste, and spent nuclear fuel, as defined in section 2 of the nuclear waste policy act of 1982 (96 Stat. 2202; 42 U.S.C.A. Sec. 10101).

(4) "Transportation" means the transport by any means of radioactive material destined for or derived from any location, and any loading, unloading, or storage incident to such transport. "Transportation" does not include permanent storage or disposal of the material.

ARTICLE III--Regulatory Practices

Section 1. The party states agree to develop model standards, not in conflict with federal law or regulations, for carriers of radioactive material to provide information regarding:

- (1) The amount and kind of material transported;
- (2) The mode of transportation and, to the extent feasible, the route or routes and the time schedule;
- (3) The carrier's compliance with local, state, and federal rules and regulations related to radioactive material transportation;
- (4) The carrier's compliance with federal and state liability insurance requirements.

Section 2. Consistent with federal law or regulations pertaining to transportation of radioactive material, the party states also agree to:

- (1) Develop model uniform procedures for issuing permits to carriers;
- (2) Develop model uniform record-keeping processes that allow access on demand by each state;
- (3) Develop model uniform safety standards for carriers;
- (4) Coordinate routing of shipments of radioactive materials;
- (5) Develop a method for coordinating the party states' emergency response plans to provide for regional emergency response including (a) systems for sharing information essential to radiation control efforts, (b) systems for sharing emergency response personnel, and (c) a method to allocate costs and clarify liability when a party state or its officers request or render emergency response;
- (6) Recommend parking requirements for motor vehicles transporting radioactive materials;
- (7) Coordinate state inspections of carriers; and
- (8) Develop other cooperative arrangements and agreements to enhance safety.

Section 3. The party states also agree to coordinate emergency response training and preparedness drills among the party states, Indian tribes, and affected political subdivisions of the party states, and, if possible, with federal agencies.

Section 4. The party states recognize that the transportation management of hazardous waste and hazardous materials is similar in many respects to that of radioactive materials. The party states, therefore, agree to confer as to transportation management and emergency response

for those items where similarities in management exist.

ARTICLE IV--Pacific States Radioactive Materials Transportation Committee

Section 1. Each party state shall designate one official of that state to confer with appropriate legislative committees and with other officials of that state responsible for managing transportation of radioactive material and with affected Indian tribes and be responsible for administration of this agreement. The officials so designated shall together comprise the Pacific states radioactive materials transportation committee. The committee shall meet as required to consider and, where necessary, coordinate matters addressed in this agreement. The parties shall inform the committee of existing regulations concerning radioactive materials transportation management in their states, and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in such regulations.

Section 2. The committee may also engage in long-term planning to assure safe and economical management of radioactive material transportation on a continuing basis.

Section 3. To the extent practicable, the committee shall coordinate its activities with those of other organizations.

ARTICLE V--Eligible Parties and Effective Date

Section 1. The states of Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming are eligible to become a party to this agreement. As to any eligible party, this agreement shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two states. Any party state may withdraw from this agreement by enacting a statute repealing its approval.

Section 2. After the agreement has initially taken effect under section 1 of this article, any eligible party state may become a party to this agreement by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1988, whichever occurs first, unless the agreement has by then been enacted as a statute by that state.

ARTICLE VI--Severability

If any provision of this agreement, or its application to any person or circumstance, is held to be invalid, all other provisions of this agreement, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this agreement are severable.

[1987 c 90 § 1.]

RCW 43.146.900 Legislative directive--State designee.

Applicable Cases

- (1) Section 1 of this act shall constitute a new chapter in Title 43 RCW.
- (2) The Washington state designee to the committee shall be appointed by the governor.

[1987 c 90 § 2.]

Chapter 43.147 RCW
PACIFIC NORTHWEST ECONOMIC REGION AGREEMENT

RCW

43.147.010	Terms of agreement.
43.147.020	Finding.
43.147.030	Cooperative activities encouraged.
43.147.040	Interlibrary sharing--Finding.
43.147.050	Interlibrary sharing--Definition--Member libraries.
43.147.060	PNWER-Net working subgroup--Generally.
43.147.070	PNWER-Net working subgroup--Duties.
43.147.080	PNWER-Net working subgroup--Gifts, grants, donations.

RCW 43.147.010 Terms of agreement.

Applicable Cases

The Pacific Northwest Economic Region is hereby enacted into law and entered into by the state of Washington as a party, and is in full force and effect in accordance with the terms of this agreement.

THE PACIFIC NORTHWEST ECONOMIC REGION

ARTICLE I—Policy and Purpose

States and provinces participating in the Pacific Northwest Economic Region shall seek to develop and establish policies that: Promote greater regional collaboration among the seven entities; enhance the overall competitiveness of the region in international and domestic markets; increase the economic well-being of all citizens in the region; and improve the quality of life of the citizens of the Pacific Northwest.

States and provinces recognize that there are many public policy areas in which cooperation and joint efforts would be mutually beneficial. These areas include, but are not limited to: International trade; economic development; human resources; the environment and natural resources; energy; and education. Parties to this agreement shall work diligently to establish collaborative activity in these and other appropriate policy areas where such cooperation is deemed worthwhile and of benefit to the participating entities. Participating states and provinces also agree that there are areas in which cooperation may not be feasible.

The substantive actions of the Pacific Northwest Economic Region may take the form of uniform legislation enacted by two or more states and/or provinces or policy initiatives endorsed as appropriate by participating entities. It shall not be necessary for all states and provinces to

participate in each initiative.

ARTICLE II—Eligible Parties and Effective Date

Each of the following states and provinces is eligible to become a party to this agreement: Alaska, Alberta, British Columbia, Idaho, Montana, Oregon, and Washington. This agreement establishing the Pacific Northwest Economic Region shall become effective when it is executed by one state, one province, and one additional state and/or province in a form deemed appropriate by each entity. This agreement shall continue in force and remain binding upon each state and province until renounced by it. Renunciation of this agreement must be preceded by sending one year's notice in writing of intention to withdraw from the agreement to the other parties to the agreement.

ARTICLE III—Organizational Structure

Each state and province participating in this agreement shall appoint representatives to the Pacific Northwest Economic Region. The organizational structure of the Pacific Northwest Economic Region shall consist of the following: A delegate council consisting of four legislators and the governor or governor's designee from each participating state and four representatives and the premier or the premier's designee from each participating province and an executive committee consisting of one legislator from each participating state and/or province who is a member of the delegate council and four of the seven governors/premiers or their designees who are members of the delegate council. The legislator members of the executive committee from each state or province shall be chosen by the legislator members of that state or province. The four governor or premier members of the executive committee shall be chosen by the governors and premiers from among the governors and premiers on the delegate council. At least one of four members representing the governors and premiers on the executive committee must be the premier of a Canadian province. Policy committees may be established to carry out further duties and responsibilities of the Pacific Northwest Economic Region.

ARTICLE IV—Duties and Responsibilities

The delegate council shall have the following duties and responsibilities: Facilitate the involvement of other government officials in the development and implementation of specific collaborative initiatives; work with policy-making committees in the development and implementation of specific initiatives; approve general organizational policies developed by the executive committee; provide final approval of the annual budget and staffing structure for the Pacific Northwest Economic Region developed by the executive committee; and other duties and responsibilities as may be established in the rules and regulations of the Pacific Northwest Economic Region. The executive committee shall perform the following duties and responsibilities: Elect the president and vice-president of the Pacific Northwest Economic

Region; approve and implement general organizational policies; develop the annual budget; devise the annual action plan; act as liaison with other public and private sector entities; review the availability of, and if appropriate apply for, (1) tax exempt status under the laws and regulations of the United States or any state or subdivision thereof and (2) similar status under the laws and regulations of Canada or any province or subdivision thereof, and approve such rules, regulations, organizational policies, and staffing structure for the Pacific Northwest Economic Region and take such further actions on behalf of the Pacific Northwest Economic Region as may be deemed by the executive committee to be necessary or appropriate to qualify for and maintain such tax exempt or similar status under the applicable laws or regulations; and other duties and responsibilities established in the rules and regulations of the Pacific Northwest Economic Region. The rules and regulations of the Pacific Northwest Economic Region shall establish the procedure for voting.

ARTICLE V—Membership of Policy Committees

Policy committees dealing with specific subject matter may be established by the executive committee.

Each participating state and province shall appoint legislators and governors or premiers to sit on these committees in accordance with its own rules and regulations concerning such appointments.

ARTICLE VI—General Provisions

This agreement shall not be construed to limit the powers of any state or province or to amend or repeal or prevent the enactment of any legislation.

[1993 c 108 § 1; 1991 c 251 § 2.]

RCW 43.147.020 Finding.

Applicable Cases

The legislature finds that there is a new emerging global economy in which countries and regions located in specific areas of the world are forging new cooperative arrangements.

The legislature finds that these new cooperative arrangements are increasing the competitiveness of the participating countries and regions, thus increasing the economic benefits and the overall quality of life for the citizens of the individual countries and regions.

The legislature also finds that the Pacific Northwest states of Alaska, Idaho, Montana, Oregon, and Washington and the Canadian provinces of Alberta and British Columbia are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the individual states and provinces that will provide substantial economic benefits for all of their citizens.

[1991 c 251 § 1.]

RCW 43.147.030 Cooperative activities encouraged.

Applicable Cases

It is the intent of chapter 251, Laws of 1991 to direct and encourage the establishment of cooperative activities between the seven legislative bodies of the region. The state representatives to the Pacific Northwest Economic Region shall work through appropriate channels to advance consideration of proposals developed by this body.

[1991 c 251 § 3.]

RCW 43.147.040 Interlibrary sharing--Finding.

Applicable Cases

In chapter 251, Laws of 1991, the legislature enacted into law the Pacific Northwest economic region agreement and made the state of Washington a party along with member states Alaska, Idaho, Montana, and Oregon, and member Canadian provinces Alberta and British Columbia. The legislature recognized that the member states and provinces of the Pacific Northwest economic region are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the members and providing substantial economic benefits for all of their citizens.

For those reasons, in chapter 251, Laws of 1991, the legislature also encouraged the establishment of cooperative activities between the seven legislative bodies of the Pacific Northwest economic region. The member states and provinces now desire to engage in such cooperation by electronically sharing twenty-two million volumes from certain of their respective universities. The member states and provinces have determined that such interlibrary sharing will provide substantial economic benefit for their citizens. The legislature agrees, specifically also finding that such interlibrary sharing furthers a major component of education strategy in the 1990's and twenty-first century, namely providing increased access to knowledge via technology.

[1993 c 485 § 1.]

RCW 43.147.050 Interlibrary sharing--Definition--Member libraries.

Applicable Cases

Unless the context clearly requires otherwise, as used in RCW 43.147.040 through 43.147.080 "PNWER-Net" means the technology network to be created by the member states and provinces of the Pacific Northwest economic region that will be capable of electronically linking the following undergraduate university libraries of the member states and provinces:

- (1) Alaska:
 - (a) University of Alaska, Anchorage;
 - (b) University of Alaska, Juneau;
- (2) Alberta:
 - (a) University of Alberta, Calgary;
 - (b) University of Alberta, Edmonton;
- (3) British Columbia:

- (a) University of British Columbia, Vancouver;
- (b) University of Victoria, Victoria;
- (4) Idaho:
 - (a) Boise State University, Boise;
 - (b) University of Idaho, Moscow;
- (5) Montana:
 - (a) Montana State University, Bozeman;
 - (b) University of Montana, Missoula;
- (6) Oregon:
 - (a) Oregon State University, Corvallis;
 - (b) University of Oregon, Eugene;
- (7) Washington:
 - (a) University of Washington, Seattle; and
 - (b) Washington State University, Pullman.

[1993 c 485 § 2.]

RCW 43.147.060 PNWER-Net working subgroup--Generally.

Applicable Cases

(1) The PNWER-Net working subgroup is hereby created for the member state of Washington. The working subgroup shall be composed of seven members as follows: Two members of the senate, one from each of the major caucuses, appointed by the president of the senate; two members of the house of representatives, appointed by the speaker of the house of representatives; the state librarian; and the primary undergraduate academic librarian from each of the state's two research institutions of higher education.

(2) The staff support shall be provided by the senate committee services and, to the extent authorized by the chief clerk of the house of representatives, by the house of representatives office of program research as mutually agreed by the legislators on the working group.

(3) Legislative members shall be reimbursed for expenses in accordance with RCW 44.04.120. Nonlegislative members shall be reimbursed for expenses in accordance with RCW 43.03.050 and 43.03.060.

[1993 c 485 § 3.]

RCW 43.147.070 PNWER-Net working subgroup--Duties.

Applicable Cases

The PNWER-Net working subgroup shall have the following duties:

(1) To work with working subgroups from other member states and provinces in an entity known as the PNWER-Net working group to develop PNWER-Net; and

(2) To assist the PNWER-Net working group in developing criteria to ensure that designated member libraries use existing telecommunications infrastructure including the internet.

[1998 c 245 § 49; 1993 c 485 § 4.]

RCW 43.147.080 PNWER-Net working subgroup--Gifts, grants, donations.

Applicable Cases

The PNWER-Net working group may accept gifts, grants, and donations from private individuals and entities made for the purposes of RCW 43.147.040 through 43.147.070.

[1993 c 485 § 5.]

**Chapter 43.150 RCW
CENTER FOR VOLUNTEERISM AND CITIZEN SERVICE**

RCW

43.150.010	Legislative findings.
43.150.020	Short title.
43.150.030	Definitions.
43.150.040	Center for volunteerism and citizen service authorized--Coordinator--Staff.
43.150.050	Programs and activities authorized.
43.150.070	Receipt and expenditure of donations--Fees--Voluntary action center fund created.
43.150.080	At-risk children--Collaborative program.

RCW 43.150.010 Legislative findings.

Applicable Cases

(1) The legislature finds that:

(a) Large numbers of Washington's citizens are actively engaged in carrying forward the ethic of service and voluntary activities that benefit their citizens, their communities, and the entire state;

(b) This contribution continues to provide the equivalent of hundreds of millions of dollars in services that might otherwise create a need for additional tax collections;

(c) Many Washington citizens have yet to become fully involved in the life of their communities; many societal needs exist that could and should be met by new citizen service initiatives;

(d) The state of Washington needs to continue to encourage and expand the ethic of civic responsibility among its citizenry, through individuals working on their own, and through local and state-wide organizations, both governmental and private and nonprofit agencies;

(e) This ethic of citizen service benefits those who serve and those who receive services; in both cases there is the betterment of all Washington communities;

(f) Public and private agencies depend in large measure on the efforts of volunteers for the accomplishment of their missions and actively seek to increase these efforts;

(g) State agencies can and should extend their service delivery programs through the increased use of and support for volunteers;

(h) The national and community service act of 1990 provides an opportunity for Washington to support citizen service and volunteer activities in Washington;

(i) Business, industry, communities, schools, and labor in Washington state are increasingly interested in opportunities for community service and in developing the volunteer

and service ethic;

(j) While providing both tangible and intangible benefits, volunteers in turn need respect and support for their efforts;

(k) The state itself, through the programs and services of its agencies as well as through the provisions of law and rule making, can and should provide a primary role and focus for encouraging the ethic of citizen service and support for volunteer efforts and programs;

(l) Planned and coordinated recognition, information, training, and technical assistance for volunteer and citizen service efforts through a state-wide center for voluntary action have been proven to be effective means of multiplying the resources volunteers bring to the needs of their communities; and

(m) It is important that Washington state position itself to raise volunteerism to the highest attainable levels, and along with the private sector, become a voice in the role citizen service will take in providing solutions to societal needs.

(2) Therefore, the legislature, in recognition of these findings, enacts the center for volunteerism and citizen service act to ensure that the state of Washington actively promotes the ethic of service and makes every appropriate effort to encourage effective involvement of individuals in their communities and of volunteers who supplement the services of private, nonprofit community agencies and organizations, agencies of local government throughout the state, and the state government.

[1992 c 66 § 1; 1982 1st ex.s. c 11 § 1.]

RCW 43.150.020 Short title.

Applicable Cases

This chapter may be known and cited as the center for volunteerism and citizen service act.

[1992 c 66 § 2; 1982 1st ex.s. c 11 § 2.]

RCW 43.150.030 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Volunteer" means a person who is willing to work without expectation of salary or financial reward and who chooses where he or she provides services and the type of services he or she provides.

(2) "Center" means the state center for volunteerism and citizen service.

[1995 c 269 § 2301; 1992 c 66 § 3; 1982 1st ex.s. c 11 § 3.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.150.040 Center for volunteerism and citizen service

authorized--Coordinator--Staff.

Applicable Cases

The governor may establish a state-wide center for volunteerism and citizen service within the department of community, trade, and economic development and appoint an executive administrator, who may employ such staff as necessary to carry out the purposes of this chapter. The provisions of chapter 41.06 RCW do not apply to the executive administrator and the staff.

[1995 c 399 § 84; 1992 c 66 § 4; 1985 c 6 § 11; 1982 1st ex.s. c 11 § 4.]

RCW 43.150.050 Programs and activities authorized.

Applicable Cases

The center, working in cooperation with individuals, local groups, and organizations throughout the state, may undertake any program or activity for which funds are available which furthers the goals of this chapter. These programs and activities may include, but are not limited to:

- (1) Providing information about programs, activities, and resources of value to volunteers and to organizations operating or planning volunteer or citizen service programs;
- (2) Sponsoring recognition events for outstanding individuals and organizations;
- (3) Facilitating the involvement of business, industry, government, and labor in community service and betterment;
- (4) Organizing, or assisting in the organization of, training workshops and conferences;
- (5) Publishing schedules of significant events, lists of published materials, accounts of successful programs and programming techniques, and other information concerning the field of volunteerism and citizen service, and distributing this information broadly;
- (6) Reviewing the laws and rules of the state of Washington, and proposed changes therein, to determine their impact on the success of volunteer activities and programs, and recommending such changes as seem appropriate to ensure the achievement of the goals of this chapter;
- (7) Seeking funding sources for enhancing, promoting, and supporting the ethic of service and facilitating or providing information to those organizations and agencies which may benefit;
- (8) Providing information about agencies and individuals who are working to prevent the spread of the human immunodeficiency virus, as defined in chapter 70.24 RCW, and to agencies and individuals who are working to provide health and social services to persons with acquired immunodeficiency syndrome, as defined in chapter 70.24 RCW.

[1992 c 66 § 5; 1988 c 206 § 301; 1982 1st ex.s. c 11 § 5.]

Notes:

Severability--1988 c 206: See RCW 70.24.900.

RCW 43.150.070 Receipt and expenditure of donations--Fees--Voluntary action center fund created.

Applicable Cases

- (1) The center may receive such gifts, grants, and endowments from private or public

sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purpose of the center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments. The center may charge reasonable fees, or other appropriate charges, for attendance at workshops and conferences, for various publications and other materials which it is authorized to prepare and distribute for the purpose of defraying all or part of the costs of those activities and materials.

(2) A fund known as the voluntary action center fund is created, which consists of all gifts, grants, and endowments, fees, and other revenues received pursuant to this chapter. The state treasurer is the custodian of the fund. Disbursements from the fund shall be on authorization of the executive administrator of the center or the administrator's designee, and may be made for the following purposes to enhance the capabilities of the center's activities, such as: (a) Reimbursement of center volunteers for travel expenses as provided in RCW 43.03.050 and 43.03.060; (b) publication and distribution of materials involving volunteerism and citizen service; (c) for other purposes designated in gifts, grants, or endowments consistent with the purposes of this chapter. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

[1992 c 66 § 7; 1982 1st ex.s. c 11 § 7.]

RCW 43.150.080 At-risk children--Collaborative program.

Applicable Cases

A volunteer organization or individual volunteer may assist a public agency, with the agency's approval, in a collaborative program designed to serve the needs of at-risk children. The center, with the advice and counsel of the attorney general, shall develop guidelines defining at-risk children and establish reasonable safety standards to protect the safety of program participants and volunteers, including but not limited to background checks as appropriate as provided in RCW 43.43.830 through 43.43.834. In carrying out the volunteer activity, the individual volunteer or member of the volunteer organization shall not be considered to be an employee or agent of any public agency involved in the collaborative program. The public agency shall have no liability for any acts of the individual volunteer or volunteer organization. Prior to participation, a volunteer and the public agency administering the collaborative program shall sign a written master agreement, approved in form by the attorney general, that includes provisions defining the scope of the volunteer activities and waiving any claims against each other. A volunteer organization or individual volunteer shall not be liable for civil damages resulting from any act or omission arising from volunteer activities which comply with safety standards issued by the center for volunteerism and citizen service, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

[1993 c 365 § 1.]

Chapter 43.155 RCW PUBLIC WORKS PROJECTS

RCW

43.155.010	Legislative findings and policy.
43.155.020	Definitions.
43.155.030	Public works board created.
43.155.040	General powers of the board.
43.155.050	Public works assistance account.
43.155.060	Public works financing powers--Competitive bids on projects.
43.155.065	Emergency public works projects.
43.155.068	Loans for preconstruction activities.
43.155.070	Eligibility, priority, limitations, and exceptions.
43.155.080	Records and audits.
43.155.090	Loan agreements.

RCW 43.155.010 Legislative findings and policy.

Applicable Cases

The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs.

The legislature further finds that Washington's local governments have unmet financial needs for solid waste disposal, including recycling, and encourages the board to make an equitable geographic distribution of the funds.

It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

[1996 c 168 § 1; 1985 c 446 § 7.]

RCW 43.155.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Department" means the department of community, trade, and economic development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any

other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities.

(6) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(7) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

[1996 c 168 § 2; 1995 c 399 § 85; 1985 c 446 § 8.]

RCW 43.155.030 Public works board created.

Applicable Cases

(1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington public utility districts association and a state association of water-sewer districts, or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the

board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080.

[1999 c 153 § 58; 1985 c 446 § 9.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

RCW 43.155.040 General powers of the board.

Applicable Cases

The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

[1985 c 446 § 10.]

RCW 43.155.050 Public works assistance account.

Applicable Cases

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. During the 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that

allow public access.

[1995 2nd sp.s. c 18 § 918; 1995 c 376 § 11; 1993 sp.s. c 24 § 921; 1985 c 471 § 8.]

Notes:

Reviser's note: This section was amended by 1995 c 376 § 11 and by 1995 2nd sp.s. c 18 § 918, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective date--1995 2nd sp.s. c 18: See notes following RCW 19.118.110.

Findings--1995 c 376: See note following RCW 70.116.060.

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Severability--Effective date--1985 c 471: See notes following RCW 82.04.260.

RCW 43.155.060 Public works financing powers--Competitive bids on projects.

Applicable Cases

In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under RCW 43.155.065 for which the recipient jurisdiction shall comply with this requirement to the extent feasible and practicable. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter.

[1988 c 93 § 2; 1985 c 446 § 11.]

RCW 43.155.065 Emergency public works projects.

Applicable Cases

The board may make low-interest or interest-free loans to local governments for emergency public works projects. Emergency public works projects shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public water system that is in violation of health and safety standards and is being operated by a local government on a temporary basis. The loans may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following sources: (1) Federal disaster or emergency funds, including funds from the federal emergency management agency; (2) state disaster or emergency funds; (3) insurance settlements; or (4) litigation. Emergency loans may be made only from those funds specifically appropriated from the public works assistance account for such purpose by the legislature. The amount appropriated from the public works assistance account for emergency loan purposes shall not exceed five percent of the total amount appropriated from this account in any biennium.

[1990 c 133 § 7; 1988 c 93 § 1.]

Notes:

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.068 Loans for preconstruction activities.

Applicable Cases

(1) The board may make low-interest or interest-free loans to local governments for preconstruction activities on public works projects before the legislature approves the construction phase of the project. Preconstruction activities include design, engineering, bid-document preparation, environmental studies, right of way acquisition, and other preliminary phases of public works projects as determined by the board. The purpose of the loans authorized in this section is to accelerate the completion of public works projects by allowing preconstruction activities to be performed before the approval of the construction phase of the project by the legislature.

(2) Projects receiving loans for preconstruction activities under this section must be evaluated using the priority process and factors in *RCW 43.155.070(2). The receipt of a loan for preconstruction activities does not ensure the receipt of a construction loan for the project under this chapter. Construction loans for projects receiving a loan for preconstruction activities under this section are subject to legislative approval under *RCW 43.155.070 (4) and (5). The board shall adopt a single application process for local governments seeking both a loan for preconstruction activities under this section and a construction loan for the project.

(3) Preconstruction activity loans under this section may be made only from those funds specifically appropriated from the public works assistance account for such a purpose by the legislature.

[1995 c 363 § 2.]

Notes:

***Reviser's note:** RCW 43.155.070 was amended by 1999 c 164 § 602, changing subsections (2), (4), and (5) to subsections (4), (6), and (7), respectively.

Finding--Purpose--1995 c 363: "The legislature finds that there continues to exist a great need for capital projects to plan, acquire, design, construct, and repair local government streets, roads, bridges, water systems, and storm and sanitary sewage systems. It is the purpose of this act to accelerate the construction of these projects under the public works assistance program." [1995 c 363 § 1.]

RCW 43.155.070 Eligibility, priority, limitations, and exceptions.

Applicable Cases

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board

for local governments not subject to the growth management act.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

[1999 c 164 § 602; 1997 c 429 § 29; 1996 c 168 § 3; 1995 c 363 § 3; 1993 c 39 § 1; 1991 sp.s. c 32 § 23; 1990 1st ex.s. c 17 § 82; 1990 c 133 § 6; 1988 c 93 § 3; 1987 c 505 § 40; 1985 c 446 § 12.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Savings--1999 c 164 §§ 301-303, 305, 306, and 601-603: See note following RCW 82.60.020.

Effective date--1997 c 429 §§ 29, 30: "Sections 29 and 30 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 19, 1997]." [1997 c 429 § 55.]

Severability--1997 c 429: See note following RCW 36.70A.3201.

Finding--Purpose--1995 c 363: See note following RCW 43.155.068.

Effective date--1993 c 39: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 39 § 2.]

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.080 Records and audits.

Applicable Cases

The board shall keep proper records of accounts and shall be subject to audit by the state auditor.

[1987 c 505 § 41; 1985 c 446 § 13.]

RCW 43.155.090 Loan agreements.

Applicable Cases

Loans from the public works assistance account under this chapter shall be made by loan agreement under chapter 39.69 RCW.

[1987 c 19 § 6.]

**Chapter 43.157 RCW
INDUSTRIAL PROJECTS OF STATE-WIDE SIGNIFICANCE**

RCW

43.157.005 Declaration.

43.157.010 Definitions.

43.157.020 Expediting completion of industrial projects of state-wide significance--Planning requirements.

43.157.030 Ombudsmen.

RCW 43.157.005 Declaration.

Applicable Cases

The legislature declares that certain industrial investments merit special designation and treatment by governmental bodies when they are proposed. Such investments bolster the economies of their locale and impact the economy of the state as a whole. It is the intention of the legislature to recognize industrial projects of state-wide significance and to encourage local governments and state agencies to expedite their completion.

[1997 c 369 § 1.]

RCW 43.157.010 Definitions.

Applicable Cases

(1) For purposes of this chapter and RCW 28A.525.166, 28B.80.330, 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and [an] industrial project of state-wide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of state-wide significance, the project must be completed after January 1, 1997, and have:

(a) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(b) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(c) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(d) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(e) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(f) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars;

(g) In counties with a population of greater than one million, a capital investment of one billion dollars; or

(h) Been designated by the director of community, trade, and economic development as an industrial project of state-wide significance either: (i) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (ii) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

[1997 c 369 § 2.]

RCW 43.157.020 Expediting completion of industrial projects of state-wide significance--Planning requirements.

Applicable Cases

Counties and cities planning under the planning enabling act, chapter 36.70 RCW, or the requirements of the growth management act, chapter 36.70A RCW, shall include a process, to be followed at their discretion for any specific project, for expediting the completion of industrial projects of state-wide significance.

[1997 c 369 § 3.]

RCW 43.157.030 Ombudsmen.

Applicable Cases

The department of community, trade, and economic development shall assign an ombudsman to each industrial project of state-wide significance. The ombudsman shall be responsible for assembling a team of state and local government and private officials to help meet the planning and development needs of each project. The ombudsman shall strive to include in the teams those responsible for planning, permitting and licensing, infrastructure development, work force development services including higher education, transportation services, and the provision of utilities. The ombudsman shall encourage each team member to expedite their actions in furtherance of the project.

[1997 c 369 § 4.]

Chapter 43.160 RCW

ECONOMIC DEVELOPMENT--PUBLIC FACILITIES LOANS AND GRANTS

- 43.160.010 Legislative declaration *(as amended by 1999 c 94)*.
- 43.160.010 Legislative declaration *(as amended by 1999 c 164)*.
- 43.160.020 Definitions.
- 43.160.030 Community economic revitalization board--Members--Terms--Chair, vice-chair--Management services--Travel expenses--Vacancies--Removal.
- 43.160.035 Designees for board members.
- 43.160.040 Conflicts of interest--Code of ethics.
- 43.160.050 Powers of board.
- 43.160.060 Loans and grants to political subdivisions for public facilities authorized--Application--Requirements for financial assistance.
- 43.160.070 Conditions.
- 43.160.074 Application--Request for improvements to existing highways--Procedures.
- 43.160.076 Financial assistance in rural counties or natural resources impact areas.
- 43.160.077 Applications--Processing of recyclable materials--Department of ecology notice.
- 43.160.078 Board to familiarize government officials and public with chapter provisions.
- 43.160.080 Public facilities construction loan revolving account.
- 43.160.090 Records--Audits.
- 43.160.100 Status of board.

43.160.115	Cooperation with Washington state development loan fund committee required--Transfer of funds.
43.160.120	Commingling of funds prohibited.
43.160.130	Personal liability.
43.160.140	Accounts.
43.160.150	Faith and credit not pledged.
43.160.160	Security.
43.160.170	Special reserve account.
43.160.180	Private activity bond subcommittee.
43.160.200	Economic development account--Eligibility for assistance.
43.160.210	Distressed counties--Twenty percent of financial assistance.
43.160.220	Distressed county public facilities construction loan account.
43.160.900	Community economic revitalization board--Implementation of chapter--Report to legislature.
43.160.901	Severability--1982 1st ex.s. c 40.
43.160.902	Captions not part of law--1984 c 257.

Notes:

Public disclosure: RCW 42.17.310.

RCW 43.160.010 Legislative declaration (as amended by 1999 c 94).

Applicable Cases

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such))~~ Transportation improvements ((must first be)) on state highways that have been approved by the ((state transportation commission and the)) community economic revitalization board must be approved by the transportation commission in accordance with the procedures established by RCW 43.160.074 and 47.01.280 to receive funding. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural natural resource impact areas do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Rural natural resource impact areas generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to rural natural resource impact areas.

[1999 c 94 § 5; 1996 c 51 § 1; 1991 c 314 § 21; 1989 c 431 § 61; 1987 c 422 § 1; 1984 c 257 § 1; 1982 1st ex.s. c 40 § 1.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 43.160.010 Legislative declaration (as amended by 1999 c 164).

Applicable Cases

(1) The legislature finds that it is the public policy of the state of Washington to direct

financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways ~~((in the vicinity of new))~~, county roads, or city streets for industries considering locating or expanding in this state ~~((or existing industries that are considering significant expansion))~~.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) ~~((It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development.))~~ All ~~((such))~~ transportation improvements on state highways must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. ~~((It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.))~~

(3) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to assist development of telecommunications infrastructure that supports business development, retention, and expansion in rural natural resources impact areas and rural counties of the state.

(4) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

~~((4))~~ (5) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Rural counties and rural natural resources impact areas do not share in the economic vitality of the Puget Sound region. The ability of these communities to pursue business and job retention, expansion, and development opportunities depends on their capacity to ready necessary economic development project plans, sites, permits, and infrastructure for private investments. Project-specific planning, predevelopment, and infrastructure ((is one of several)) are critical ingredients ((that are critical)) for economic development. Rural counties and rural natural resources impact areas generally lack ((the infrastructure)) these necessary tools and resources to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the ((availability of funds to help provide infrastructure to rural natural resource impact areas)) amount of funding available through the community economic revitalization board for rural counties and rural natural resources impact areas, and to authorize flexibility for available resources in these areas to help fund planning, predevelopment, and construction costs of infrastructure and facilities and sites that foster economic vitality and diversification.

[1999 c 164 § 101; 1996 c 51 § 1; 1991 c 314 § 21; 1989 c 431 § 61; 1987 c 422 § 1; 1984 c 257 § 1; 1982 1st ex.s. c 40 § 1.]

Notes:

Reviser's note: RCW 43.160.010 was amended twice during the 1999 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Findings--Intent--1999 c 164: "The legislature finds that while Washington's economy is currently prospering, economic growth continues to be uneven, particularly as between metropolitan and rural areas. This has created in effect two Washingtons. One afflicted by inadequate infrastructure to support and attract investment, another suffering from congestion and soaring housing prices. In order to address these problems, the legislature intends to use resources strategically to build on our state's strengths while addressing threats to our prosperity." [1999 c 164 § 1.]

Part headings and subheadings not law--1999 c 164: "Part headings and subheadings used in this act are not any part of the law." [1999 c 164 § 801.]

Effective date--1999 c 164: "This act takes effect August 1, 1999." [1999 c 164 § 802.]

Severability--1999 c 164: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 164 § 804.]

Severability--1996 c 51: "If any provision of this act or its application to any person or circumstance is

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 51 § 11.]

Effective dates--1996 c 51: "(1) Sections 1 through 9 and 11 of this act shall take effect July 1, 1996.

(2) Section 10 of this act shall take effect June 30, 1997." [1996 c 51 § 12.]

Findings--1991 c 314: See note following RCW 43.31.601.

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.160.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of community, trade, and economic development.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Public facilities" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of

bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(12) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

(13) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (14) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (14) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (14) of this section.

(14) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

[1999 c 164 § 102; 1997 c 367 § 8; 1996 c 51 § 2; 1995 c 226 § 14. Prior: 1993 c 320 § 1; 1993 c 280 § 55; 1992 c 21 § 3; 1991 c 314 § 22; 1985 c 466 § 58; 1985 c 6 § 12; 1984 c 257 § 2; 1983 1st ex.s. c 60 § 1; 1982 1st ex.s. c 40 § 2.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.31.601.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.160.030 Community economic revitalization board--Members--Terms--Chair, vice-chair--Management services--Travel expenses--Vacancies--Removal.

Applicable Cases

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of the chairman of and one minority member appointed by the speaker of the house of representatives from the committee of the house of representatives that deals with issues of economic development, the chairman of and one minority member appointed by the president of the senate from the committee of the senate that deals with issues of economic development, and the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter and the allocation of private activity bonds.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

[1996 c 51 § 3; 1995 c 399 § 86; 1993 c 320 § 2. Prior: 1987 c 422 § 2; 1987 c 195 § 11; prior: 1985 c 446 § 2; 1985 c 6 § 13; prior: 1985 c 446 § 1; 1984 c 287 § 89; 1983 1st ex.s. c 60 § 2; 1982 1st ex.s. c 40 § 3.]

Notes:

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.160.035 Designees for board members.

Applicable Cases

Each member of the house of representatives who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade, economic development, and housing committee of the house of representatives to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each member of the senate who is appointed to the community economic revitalization board under RCW 43.160.030 may designate another member of the trade, technology, and economic development committee of the senate to take his or her place on the board for meetings at which the member will be absent. The designee shall have all powers to vote and participate in board deliberations as have the other board members. Each agency head of an executive agency who is appointed to serve as a nonvoting advisory member of the community economic revitalization board under RCW 43.160.030 may designate an agency employee to take his or her place on the board for meetings at which the agency head will be absent. The designee will have all powers to participate in board deliberations as have the other board members but shall not have voting powers.

[1993 c 320 § 3; 1987 c 422 § 3; 1985 c 446 § 4.]

RCW 43.160.040 Conflicts of interest--Code of ethics.

Applicable Cases

In addition to other applicable provisions of law pertaining to conflicts of interest of public officials, no board member, appointive or otherwise, may participate in any decision on any board contract in which the board member has any interests, direct or indirect, with any firm, partnership, corporation, or association which would be the recipient of any aid under this chapter. In any instance where the participation occurs, the board shall void the transaction, and the involved member shall be subject to whatever further sanctions may be provided by law. The board shall frame and adopt a code of ethics for its members, which shall be designed to protect the state and its citizens from any unethical conduct by the board.

[1982 1st ex.s. c 40 § 4.]

RCW 43.160.050 Powers of board.

Applicable Cases

The board may:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business.

- (2) Adopt an official seal and alter the seal at its pleasure.
- (3) Utilize the services of other governmental agencies.
- (4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.
- (5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.
- (6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.
- (7) Exercise all the powers of a public corporation under chapter 39.84 RCW.
- (8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.
- (9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.
- (10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.
- (11) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.
- (12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.
- (13) Service, contract, and pay for the servicing of loans for industrial development facilities.
- (14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.
- (15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.
- (16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.
- (17) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.
- (18) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

[1996 c 51 § 4; 1987 c 422 § 4; 1982 1st ex.s. c 40 § 5.]

Notes:

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

RCW 43.160.060 Loans and grants to political subdivisions for public facilities authorized--Application--Requirements for financial assistance.

Applicable Cases

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility[,] and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that financial circumstances require grant assistance to enable the project to move forward.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility

improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

[1999 c 164 § 103; 1996 c 51 § 5; 1993 c 320 § 4; 1990 1st ex.s. c 17 § 73; 1989 c 431 § 62; 1987 c 422 § 5; 1985 c 446 § 3; 1983 1st ex.s. c 60 § 3; 1982 1st ex.s. c 40 § 6.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.160.070 Conditions.

Applicable Cases

Public facilities financial assistance, when authorized by the board, is subject to the following conditions:

(1) The moneys in the public facilities construction loan revolving account and the distressed county public facilities construction loan account shall be used solely to fulfill commitments arising from financial assistance authorized in this chapter or, during the 1989-91 fiscal biennium, for economic development purposes as appropriated by the legislature. The total outstanding amount which the board shall dispense at any time pursuant to this section shall not exceed the moneys available from the accounts. The total amount of outstanding financial assistance in Pierce, King, and Snohomish counties shall never exceed sixty percent of the total amount of outstanding financial assistance disbursed by the board under this chapter without reference to financial assistance provided under RCW 43.160.220.

(2) On contracts made for public facilities loans the board shall determine the interest rate which loans shall bear. The interest rate shall not exceed ten percent per annum. The board may provide reasonable terms and conditions for repayment for loans, including partial forgiveness of loan principal and interest payments on projects located in rural counties or rural natural resources impact areas, as the board determines. The loans shall not exceed twenty years in

duration.

(3) Repayments of loans made from the public facilities construction loan revolving account under the contracts for public facilities construction loans shall be paid into the public facilities construction loan revolving account. Repayments of loans made from the distressed county public facilities construction loan account under the contracts for public facilities construction loans shall be paid into the distressed county public facilities construction loan account. Repayments of loans from moneys from the new appropriation from the public works assistance account for the fiscal biennium ending June 30, 1999, shall be paid into the public works assistance account.

(4) When every feasible effort has been made to provide loans and loans are not possible, the board may provide grants upon finding that unique circumstances exist.

[1999 c 164 § 104; 1998 c 321 § 27 (Referendum Bill No. 49, approved November 3, 1998); 1997 c 235 § 721; 1996 c 51 § 6; 1990 1st ex.s. c 16 § 802; 1983 1st ex.s. c 60 § 4; 1982 1st ex.s. c 40 § 7.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Severability--Effective date--1997 c 235: See notes following RCW 79A.15.040.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Severability--1990 1st ex.s. c 16: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 1st ex.s. c 16 § 803.]

RCW 43.160.074 Application--Request for improvements to existing highways--Procedures.

Applicable Cases

(1) An application to the board from a political subdivision may also include a request for improvements to an existing state highway or highways. The application is subject to all of the applicable criteria relative to qualifying types of development set forth in this chapter, as well as procedures and criteria established by the board.

(2) Before board consideration of an application from a political subdivision that includes a request for improvements to an existing state highway or highways, the application shall be forwarded by the board to the transportation commission.

(3) The board may not make its final determination on any application made under subsection (1) of this section before receiving approval, as submitted or amended or disapproval from the transportation commission as specified in RCW 47.01.280. Notwithstanding its disposition of the remainder of any such application, the board may not approve a request for improvements to an existing state highway or highways without the approval as submitted or amended of the transportation commission as specified in RCW 47.01.280.

(4) The board shall notify the transportation commission of its decision regarding any application made under this section.

[1985 c 433 § 5.]

Notes:

Nonseverability--1985 c 433: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the entire act and the application of the provision to other persons or circumstances is invalid and of no further force and effect." [1985 c 433 § 10.]

RCW 43.160.076 Financial assistance in rural counties or natural resources impact areas.

Applicable Cases

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance in a biennium under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall spend at least seventy-five percent for financial assistance for projects in rural counties or rural natural resources impact areas.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in rural counties or rural natural resources impact areas are clearly insufficient to use up the seventy-five percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance to projects not located in rural counties or rural natural resources impact areas.

[1999 c 164 § 105. Prior: 1998 c 321 § 28 (Referendum Bill No. 49, approved November 3, 1998); 1998 c 55 § 4; 1997 c 367 § 9; 1996 c 51 § 7; 1995 c 226 § 15; 1993 c 320 § 5; 1991 c 314 § 24; 1985 c 446 § 6.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Severability--Conflict with federal requirements--Effective date--1997 c 367: See notes following RCW 43.31.601.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Repeal--1991 c 314: "RCW 43.160.076 and 1998 c 321 § 28, 1997 c 367 § 9, 1996 c 51 § 7, 1995 c 226 § 15, 1993 c 320 § 5, 1991 c 314 § 24, & 1985 c 446 § 6 are each repealed effective June 30, 2000." [1998 c 321 § 29 (Referendum Bill No. 49, approved November 3, 1998); 1997 c 367 § 10; 1995 c 226 § 7; 1993 c 320 § 10; 1991 c 314 § 32.]

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.160.077 Applications--Processing of recyclable materials--Department of ecology notice.

Applicable Cases

(1) When the board receives an application from a political subdivision that includes a request for assistance in financing the cost of public facilities to encourage the development of a private facility to process recyclable materials, a copy of the application shall be sent by the

board to the department of ecology.

(2) The board shall notify the department of ecology of its decision regarding any application made under this section.

[1993 c 320 § 6; 1989 c 431 § 63.]

Notes:

Severability--Section captions not law--1989 c 431: See RCW 70.95.901 and 70.95.902.

RCW 43.160.078 Board to familiarize government officials and public with chapter provisions.

Applicable Cases

In order to enhance competition for grants and loans and the quality of projects for which loans and grants are sought, the board shall take such reasonable measures as are necessary to familiarize government officials and members of the public with the provisions of this chapter, particularly the board's authority to make grants and loans.

[1985 c 446 § 5.]

RCW 43.160.080 Public facilities construction loan revolving account.

Applicable Cases

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds and moneys deposited in the distressed county public facilities construction loan account under RCW 43.160.220, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW.

[1998 c 321 § 30 (Referendum Bill No. 49, approved November 3, 1998); 1992 c 235 § 10; 1991 sp.s. c 13 § 115; 1987 c 422 § 6; 1984 c 257 § 12; 1983 1st ex.s. c 60 § 6; 1982 1st ex.s. c 40 § 8.]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.160.090 Records--Audits.

Applicable Cases

The board and the department shall keep proper records of accounts and shall be subject to audit by the state auditor.

[1996 c 51 § 8; 1987 c 505 § 42; 1982 1st ex.s. c 40 § 9.]

Notes:

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

RCW 43.160.100 Status of board.

Applicable Cases

The board is an authority and an instrumentality of the state within the meaning of those terms in the regulations of the Internal Revenue Service prescribed pursuant to Section 103 of the federal Internal Revenue Code of 1954, as amended.

[1984 c 257 § 3.]

RCW 43.160.115 Cooperation with *Washington state development loan fund committee required--Transfer of funds.

Applicable Cases

In addition to its powers and duties under this chapter, the community economic revitalization board shall cooperate with the *Washington state development loan fund committee in order to provide for coordination of their very similar programs. Under this chapter, it is the duty of the department of community, trade, and economic development and the board to financially assist the committee to the extent required by law. Funds appropriated to the board or the department of community, trade, and economic development for the use of the board shall be transferred to the department of community, trade, and economic development to the extent required by law.

[1995 c 399 § 87; 1987 c 422 § 7; 1987 c 195 § 12; 1985 c 164 § 14.]

Notes:

***Reviser's note:** The Washington state development loan fund committee was terminated on June 30, 1994, and its powers and duties were transferred to the director of the department of community, trade, and economic development.

Severability--1985 c 164: See RCW 43.168.900.

RCW 43.160.120 Commingling of funds prohibited.

Applicable Cases

No part of the proceeds received from the sale of any industrial development revenue bonds under this chapter, of any revenues derived from an industrial development facility acquired or held under this chapter, or of any interest realized on moneys received under this chapter, may be commingled by the board with funds of the state.

[1984 c 257 § 5.]

RCW 43.160.130 Personal liability.

Applicable Cases

The members and employees of the board and the department shall not be personally liable or accountable by reason of the issuance of or on any bond issued by the board.

[1984 c 257 § 6.]

RCW 43.160.140 Accounts.

Applicable Cases

The board may create and administer funds and accounts and establish such funds and accounts with financial institutions as are necessary to implement its duties under RCW *43.160.050 (8) through (17) and 43.160.100 through 43.160.170.

[1987 c 422 § 8; 1984 c 257 § 7.]

Notes:

***Reviser's note:** RCW 43.160.050 was amended by 1996 c 51 § 4, changing subsections (8) through (17) to subsections (7) through (16).

RCW 43.160.150 Faith and credit not pledged.

Applicable Cases

Bonds issued under this chapter do not constitute a debt, liability, obligation, or pledge of the faith and credit of the state but are payable solely from the revenues or assets of the board. A bond issued under this chapter must disclose on its face (1) the state of Washington is not obligated to pay the principal or the interest thereon; (2) no tax funds or governmental revenue may be used to pay the principal or interest thereon; and (3) neither the faith and credit nor the taxing power of the state or any subdivision or agency thereof is pledged to the payment of the principal or interest on the bond.

[1984 c 257 § 8.]

RCW 43.160.160 Security.

Applicable Cases

In order to assure payment of the bonds, the board shall consider and may require users to provide appropriate security. Such security may include but is not limited to letters of credit, deeds of trust, guarantees, mortgage insurance or cash reserves. If federal funds are used to provide additional security for the protection of bond purchasers the board shall require a credit analysis by a financial institution of each user of an umbrella board [bond] in order to ensure the marketability of the bonds.

[1984 c 257 § 9.]

RCW 43.160.170 Special reserve account.

Applicable Cases

- (1) The board may establish a special reserve account and pay into it any:
 - (a) Proceeds of the sale of bonds to the extent provided in the resolutions or indentures of the board authorizing their issuance; and
 - (b) Other funds which may be available to the board from any other source for the purpose of the account.

(2) All funds held in the special reserve account must be used solely for the payment of the principal of, premium, if any, and interest on the bonds secured in whole or in part by the account, the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payment of any redemption premium required to be paid when the bonds are redeemed prior to maturity. Funds in the account may not be withdrawn at any time in an amount that reduces the account to an amount less than the sum of minimum reserve requirements established in the resolutions or indentures of the board for the account except, with respect to bonds secured in whole or in part by the account, for the purpose of making payment, when due, of principal, premium, if any, interest, and sinking fund payments for the payment of which other money pledged is not available. Any income or interest earned by or incremental to the special reserve account due to its investment may be transferred to other accounts of the board to an extent that does not reduce the amount of the special reserve account below the sum of minimum reserve requirements for the account.

[1984 c 257 § 10.]

RCW 43.160.180 Private activity bond subcommittee.

Applicable Cases

(1) There is hereby created the private activity bond subcommittee of the board.

(2) The subcommittee shall be primarily responsible for reviewing and making recommendations to the board on requests for certification and allocation pursuant to the provisions of chapter 39.86 RCW and as authorized by rules adopted by the board.

(3) The subcommittee shall consist of the following members: Six members of the board including: (a) The chair; (b) the county official; (c) the city official; (d) the port district official; (e) a legislator, appointed by the chair; and (f) the representative of the public. The members' terms shall coincide with their terms of appointment to the board.

(4) Staff support to the subcommittee shall be provided by the department of community, trade, and economic development.

(5) Members of the subcommittee shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) If a vacancy on the subcommittee occurs by death, resignation, failure to hold the office from which the member was appointed, or otherwise, the vacancy shall be filled through the procedures specified for filling the corresponding vacancy on the board.

[1995 c 399 § 88; 1987 c 422 § 9; 1985 c 446 § 15.]

RCW 43.160.200 Economic development account--Eligibility for assistance.

Applicable Cases

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(5) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in rural natural resources impact areas and rural counties.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for project-specific environmental, capital facilities, land use, permitting, feasibility[,] and marketing studies and plans; project engineering, design, and site planning and analysis; and project debt and revenue impact analysis shall not exceed fifty thousand dollars per study. Board funds for these purposes may be provided as a grant and require a match.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility construction projects under this section shall not exceed one million dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and planning and predevelopment activities.

(10) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the economic development project assisted under this section.

(11) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(12) The board shall establish guidelines for providing financial assistance under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include:

(i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using

standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the financial assistance on the economy of the community and whether the financial assistance achieved its purpose.

[1999 c 164 § 107; 1996 c 51 § 9; 1995 c 226 § 16. Prior: 1993 c 320 § 7; 1993 c 316 § 4; 1991 c 314 § 23.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--1993 c 316: See note following RCW 43.31.611.

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.160.210 Distressed counties--Twenty percent of financial assistance. (*Effective June 30, 2000.*)

Applicable Cases

(1) *Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for financial assistance under this chapter without reference to financial assistance provided under RCW 43.160.220, the board shall designate at least twenty percent for financial assistance for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which: (a) The average level of unemployment for the three years before the year in which an application for financial assistance is filed, exceeds the average state unemployment for those years by twenty percent; or (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years.*

(2) *If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation under subsection (1) of this section, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for financial assistance for projects not located in distressed counties.*

[1998 c 321 § 31 (Referendum Bill No. 49, approved November 3, 1998); 1998 c 55 § 5. Prior: 1996 c 290 § 1; 1996 c 51 § 10; 1991 c 314 § 25.]

Notes:

Reviser's note: This section was amended by 1998 c 55 § 5 and by 1998 c 321 § 31, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Effective date--1998 c 55 § 5: "Section 5 of this act takes effect June 30, 2000." [1998 c 55 § 7.]

Effective dates--1996 c 290 §§ 1, 6: "(1) *Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and

shall take effect immediately [March 30, 1996].

(2) Section 1 of this act shall take effect June 30, 1997." [1996 c 290 § 8.]

**Reviser's note: 1996 c 290 § 6 was vetoed.*

Severability--Effective dates--1996 c 51: See notes following RCW 43.160.010.

Effective date--1991 c 314: "RCW 43.160.210 shall take effect June 30, 2000." [1997 c 367 § 12; 1995 c 226 § 9; 1993 c 320 § 11; 1993 c 316 § 8; 1991 c 314 § 34.]

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.160.220 Distressed county public facilities construction loan account.

Applicable Cases

The distressed county public facilities construction loan account is created in the state treasury. All funds provided under RCW 82.14.200 shall be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account shall only be used to provide financial assistance under this chapter to distressed counties that have experienced extraordinary costs due to the location of a major new business facility or the substantial expansion of an existing business facility in the county.

For purposes of this section, the term "distressed counties" includes any county in which the average level of unemployment for the three years before the year in which an application for financial assistance is filed exceeds the average state employment for those years by twenty percent.

[1998 c 321 § 9 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 43.160.900 Community economic revitalization board--Implementation of chapter--Report to legislature.

Applicable Cases

The community economic revitalization board shall report to the appropriate standing committees of the legislature biennially on the implementation of this chapter. The report shall include information on the number of applications for community economic revitalization board assistance, the number and types of projects approved, the grant or loan amount awarded each project, the projected number of jobs created or retained by each project, the actual number of jobs created or retained by each project, the number of delinquent loans, and the number of project terminations. The report may also include additional performance measures and recommendations for programmatic changes. The first report shall be submitted by December 1, 1994.

[1993 c 320 § 8; 1987 c 422 § 10; 1985 c 446 § 25; 1982 1st ex.s. c 40 § 10.]

Notes:

Effective date--1993 c 320 § 8: "Section 8 of this act is necessary for the immediate preservation of the

public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 12, 1993]." [1993 c 320 § 12.]

RCW 43.160.901 Severability--1982 1st ex.s. c 40.

Applicable Cases

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

[1982 1st ex.s. c 40 § 11.]

RCW 43.160.902 Captions not part of law--1984 c 257.

Applicable Cases

As used in this act, captions constitute no part of the law.

[1984 c 257 § 14.]

**Chapter 43.163 RCW
ECONOMIC DEVELOPMENT FINANCE AUTHORITY**

RCW

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43.163.210	Nonrecourse revenue bond financing--Economic development activities--New products.
43.163.901	Severability--1989 c 279.

Notes:

Public disclosure: RCW 42.17.310.

RCW 43.163.005 Purpose--Construction.

Applicable Cases

Economic development is essential to the health, safety, and welfare of all Washington citizens by broadening and strengthening state and local tax bases, providing meaningful employment opportunities and thereby enhancing the quality of life. Economic development increasingly is dependent upon the ability of small-sized and medium-sized businesses and farms to finance growth and trade activities. Many of these businesses face an unmet need for capital that limits their growth. These unmet capital needs are a problem in both urban and rural areas which cannot be solved by the private sector alone. There presently exist some federal programs, private credit enhancements and other financial tools to complement the private banking industry in providing this needed capital. More research is needed to develop effective strategies to enhance access to capital and thereby stimulate economic development.

It is the purpose of this chapter to establish a state economic development finance authority to act as a financial conduit that, without using state funds or lending the credit of the state or local governments, can issue nonrecourse revenue bonds, and participate in federal, state, and local economic development programs to help facilitate access to needed capital by Washington businesses that cannot otherwise readily obtain needed capital on terms and rates comparable to large corporations, and can help local governments obtain capital more efficiently. It is also a primary purpose of this chapter to encourage the employment and retention of Washington workers at meaningful wages and to develop innovative approaches to the problem of unmet capital needs. This chapter is enacted to accomplish these and related purposes and shall be construed liberally to carry out its purposes and objectives.

[1990 c 53 § 1; 1989 c 279 § 1.]

Notes:

Findings--Purpose--1994 c 302: "The legislature finds that when public funds are used to support private enterprise, the public may gain through the creation of new jobs, the diversification of the economy, or higher quality jobs for existing workers. The legislature further finds that such returns on public investments are not automatic and that tax-based incentives, in particular, may result in a greater tax burden on businesses and individuals that are not eligible for the public support. It is the purpose of this *chapter to collect information sufficient to allow the legislature and the executive branch to make informed decisions about the merits of existing tax-based incentives and loan programs intended to encourage economic development in the state." [1994 c 302 § 1.]

***Reviser's note:** 1994 c 302 § 2 was vetoed by the governor. 1994 c 302 § 3 is a codification direction and 1994 c 302 § 4 is an emergency clause. The code reviser's office chose not to create a new chapter for the only remaining section, section 1.

RCW 43.163.010 Definitions.

Applicable Cases

As used in this chapter, the following words and terms have the following meanings,

unless the context requires otherwise:

(1) "Authority" means the Washington economic development finance authority created under RCW 43.163.020 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law;

(2) "Bonds" means any bonds, notes, debentures, interim certificates, conditional sales or lease financing agreements, lines of credit, forward purchase agreements, investment agreements, and other banking or financial arrangements, guaranties, or other obligations issued by or entered into by the authority. Such bonds may be issued on either a tax-exempt or taxable basis;

(3) "Borrower" means one or more public or private persons or entities acting as lessee, purchaser, mortgagor, or borrower who has obtained or is seeking to obtain financing either from the authority or from an eligible banking organization that has obtained or is seeking to obtain funds from the authority to finance a project. A borrower may include a party who transfers the right of use and occupancy to another party by lease, sublease or otherwise, or a party who is seeking or has obtained a financial guaranty from the authority;

(4) "Eligible banking organization" means any organization subject to regulation by the director of the department of financial institutions, any national bank, federal savings and loan association, and federal credit union located within this state;

(5) "Eligible export transaction" means any preexport or export activity by a person or entity located in the state of Washington involving a sale for export and product sale which, in the judgment of the authority: (a) Will create or maintain employment in the state of Washington, (b) will obtain a material percent of its value from manufactured goods or services made, processed or occurring in Washington, and (c) could not otherwise obtain financing on reasonable terms from an eligible banking organization;

(6) "Eligible farmer" means any person who is a resident of the state of Washington and whose specific acreage qualifying for receipts from the federal department of agriculture under its conservation reserve program is within the state of Washington;

(7) "Eligible person" means an individual, partnership, corporation, or joint venture carrying on business, or proposing to carry on business within the state and is seeking financial assistance under RCW 43.163.210;

(8) "Financial assistance" means the infusion of capital to persons for use in the development and exploitation of specific inventions and products;

(9) "Financing document" means an instrument executed by the authority and one or more persons or entities pertaining to the issuance of or security for bonds, or the application of the proceeds of bonds or other funds of, or payable to, the authority. A financing document may include, but need not be limited to, a lease, installment sale agreement, conditional sale agreement, mortgage, loan agreement, trust agreement or indenture, security agreement, letter or line of credit, reimbursement agreement, insurance policy, guaranty agreement, or currency or interest rate swap agreement. A financing document also may be an agreement between the authority and an eligible banking organization which has agreed to make a loan to a borrower;

(10) "Plan" means the general plan of economic development finance objectives

developed and adopted by the authority, and updated from time to time, as required under RCW 43.163.090;

(11) "Economic development activities" means activities related to: Manufacturing, processing, research, production, assembly, tooling, warehousing, airports, docks and wharves, mass commuting facilities, high-speed intercity rail facilities, public broadcasting, pollution control, solid waste disposal, federally qualified hazardous waste facilities, energy generating, conservation, or transmission facilities, and sports facilities and industrial parks and activities conducted within a federally designated enterprise or empowerment zone or geographic area of similar nature;

(12) "Project costs" means costs of:

(a) Acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of land, rights to land, buildings, structures, docks, wharves, fixtures, machinery, equipment, excavations, paving, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities, and any other real or personal property included in an economic development activity;

(b) Architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, acquisition, lease, construction, reconstruction, remodeling, refurbishing, rehabilitation, extension, and enlargement of an activity included under subsection (11) of this section, including costs of studies assessing the feasibility of an economic development activity;

(c) Finance costs, including the costs of credit enhancement and discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any financing document;

(d) Start-up costs, working capital, capitalized research and development costs, capitalized interest during construction and during the eighteen months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves;

(e) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(f) Other costs incidental to any of the costs listed in this section;

(13) "Product" means a product, device, technique, or process that is or may be exploitable commercially. "Product" does not refer to pure research, but shall be construed to apply to products, devices, techniques, or processes that have advanced beyond the theoretic stage and are readily capable of being, or have been, reduced to practice;

(14) "Financing agreements" means, and includes without limitation, a contractual arrangement with an eligible person whereby the authority obtains rights from or in an invention or product or proceeds from an invention or product in exchange for the granting of financial and other assistance to the person.

[1999 c 294 § 1. Prior: 1994 c 238 § 1; 1994 c 92 § 498; 1989 c 279 § 2.]

Notes:

Effective date--1999 c 294: "This act is necessary for the immediate preservation of the public peace,

health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1999]." [1999 c 294 § 2.]

Severability--1994 c 238: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 238 § 6.]

Effective date--1994 c 238: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [April 1, 1994]." [1994 c 238 § 7.]

RCW 43.163.020 Economic development finance authority created--Membership.

Applicable Cases

The Washington economic development finance authority is established as a public body corporate and politic, with perpetual corporate succession, constituting an instrumentality of the state of Washington exercising essential governmental functions. The authority is a public body within the meaning of RCW 39.53.010.

The authority shall consist of eighteen [seventeen] members as follows: The director of the department of community, trade, and economic development, the director of the department of agriculture, the state treasurer, one member from each caucus in the house of representatives appointed by the speaker of the house, one member from each caucus in the senate appointed by the president of the senate, and ten public members with one representative of women-owned businesses and one representative of minority-owned businesses and with at least three of the members residing east of the Cascades. The public members shall be residents of the state appointed by the governor on the basis of their interest or expertise in trade, agriculture or business finance or jobs creation and development. One of the public members shall be appointed by the governor as chair of the authority and shall serve as chair of the authority at the pleasure of the governor. The authority may select from its membership such other officers as it deems appropriate.

The term of the persons appointed by the governor as public members of the authority, including the public member appointed as chair, shall be four years from the date of appointment, except that the term of three of the initial appointees shall be for two years from the date of appointment and the term of four of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms.

In the event of a vacancy on the authority due to death, resignation or removal of one of the public members, or upon the expiration of the term of one of the public members, the governor shall appoint a successor for the remainder of the unexpired term. If either of the state offices is abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office.

Any public member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing by the affected public member.

The state officials serving in ex officio capacity may each designate an employee of their respective departments to act on their behalf in all respects with regard to any matter to come

before the authority. Such designations shall be made in writing in such manner as is specified by the rules of the authority.

The members of the authority shall serve without compensation but shall be entitled to reimbursement, solely from the funds of the authority, for expenses incurred in the discharge of their duties under this chapter. The authority may borrow funds from the department for the purpose of reimbursing members for expenses; however, the authority shall repay the department as soon as practicable.

A majority of the authority shall constitute a quorum.

[1995 c 399 § 89; 1990 c 53 § 2; 1989 c 279 § 3.]

RCW 43.163.030 Small businesses--Funding of export transactions.

Applicable Cases

(1) The authority, in cooperation with the small business export finance assistance center and other export assistance entities, is authorized to develop and conduct a program or programs to provide for the funding of export transactions for small businesses which are unable to obtain funding from private commercial lenders.

(2) The authority is authorized to secure or provide guaranties or insurance for loans and otherwise to provide for loans for any eligible export transaction. Loans may be made either directly by the authority or through an eligible banking organization. For such purpose, the authority may use funds legally available to it to provide for insurance or to guarantee eligible export transactions for which guaranteed funding has been provided.

(3) The authority shall make every effort to cause guaranties or insurance to be provided from the export-import bank of the United States, the foreign credit insurance association, the small business administration or such other similar or succeeding federal or private programs whose financial performance in the guarantee or insurance of export transactions is sound and recognized in the financial community. The maximum amount payable under any guaranty shall be specifically set forth in writing at the time any such guaranteed funding is entered into by the authority.

(4) Prior to providing or securing a guarantee of funding or otherwise providing for a loan for any eligible export transaction hereunder, the authority shall obtain assurance that there has been made an investigation of the credit of the exporter in order to determine its viability, the economic benefits to be derived from the eligible export transaction, the prospects for repayment, and such other facts as it deems necessary in order to determine that such guaranteed funding is consistent with the purposes of this chapter.

[1989 c 279 § 4.]

Notes:

Small business export finance assistance center: Chapter 43.210 RCW.

RCW 43.163.040 Farmers--Advance financing, agriculture conservation reserve program.

Applicable Cases

To provide capital for economic development purposes, the authority is authorized to

develop and conduct a program or programs to provide advance financing to eligible farmers in respect of the contract payments due to them under the federal department of agriculture conservation reserve program. Such advance financing may be provided in the form of lease, sale, loan or other similar financing transactions.

[1989 c 279 § 5.]

RCW 43.163.050 Pooling of loans.

Applicable Cases

The authority is authorized to develop and conduct a program or programs to promote small business and agricultural financing in the state through the pooling of loans or portions of loans made or guaranteed through programs administered by federal agencies including the small business or farmers home administrations. For such purpose, the authority may acquire from eligible banking organizations and other financial intermediaries who make or hold loans made or guaranteed through programs administered by the federal small business or farmers home administrations all or portions of such loans, and the authority may contract or coordinate with parties authorized to acquire or pool loans made or guaranteed by a federal agency or with parties authorized to administer such loan or guarantee programs.

[1990 c 53 § 3; 1989 c 279 § 6.]

RCW 43.163.060 Scope of authority's powers--Duties of other agencies.

Applicable Cases

(1) The authority is authorized to participate fully in federal and other governmental economic development finance programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements.

(2) The authority shall coordinate its programs with those contributing to a common purpose found elsewhere in the departments of community, trade, and economic development, agriculture or employment security, or any other department or organization of, or affiliated with, the state or federal government, and shall avoid any duplication of such activities or programs provided elsewhere. The departments of community, trade, and economic development, agriculture, employment security and other relevant state agencies shall provide to the authority all reports prepared in the course of their ongoing activities which may assist in the identification of unmet capital financing needs by small-sized and medium-sized businesses in the state.

[1995 c 399 § 90; 1989 c 279 § 7.]

RCW 43.163.070 Use of funds.

Applicable Cases

The authority may use any funds legally available to it for any purpose specifically authorized by this chapter, or for otherwise improving economic development in this state by assisting businesses and farm enterprises that do not have access to capital at terms and rates comparable to large corporations due to the location of the business, the size of the business, the

lack of financial expertise, or other appropriate reasons: PROVIDED, That no funds of the state shall be used for such purposes.

[1990 c 53 § 4; 1989 c 279 § 8.]

RCW 43.163.080 General operating procedures.

Applicable Cases

(1) The authority shall adopt general operating procedures for the authority. The authority shall also adopt operating procedures for individual programs as they are developed for obtaining funds and for providing funds to borrowers. These operating procedures shall be adopted by resolution prior to the authority operating the applicable programs.

(2) The operating procedures shall include, but are not limited to: (a) Appropriate minimum reserve requirements to secure the authority's bonds and other obligations; (b) appropriate standards for securing loans and other financing the authority provides to borrowers, such as guarantees or collateral; and (c) strict standards for providing financing to borrowers, such as (i) the borrower is a responsible party with a high probability of being able to repay the financing provided by the authority, (ii) the financing is reasonably expected to provide economic growth or stability in the state by enabling a borrower to increase or maintain jobs or capital in the state, (iii) the borrowers with the greatest needs or that provide the most public benefit are given higher priority by the authority, and (iv) the financing is consistent with any plan adopted by the authority under RCW 43.163.090.

[1994 c 238 § 2; 1990 c 53 § 5; 1989 c 279 § 9.]

Notes:

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.090 Economic development finance objectives plan.

Applicable Cases

The authority shall adopt a general plan of economic development finance objectives to be implemented by the authority during the period of the plan. The authority may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the authority shall consider and set objectives for:

- (1) Employment generation associated with the authority's programs;
- (2) The application of funds to sectors and regions of the state economy evidencing need for improved access to capital markets and funding resources;
- (3) Geographic distribution of funds and programs available through the authority;
- (4) Eligibility criteria for participants in authority programs;
- (5) The use of funds and resources available from or through federal, state, local, and private sources and programs;
- (6) Standards for economic viability and growth opportunities of participants in authority programs;
- (7) New programs which serve a targeted need for financing assistance within the purposes of this chapter; and

(8) Opportunities to improve capital access as evidenced by programs existent in other states or as they are made possible by results of private capital market circumstances.

The authority shall, as part of the finance plan required under this section, develop an outreach and marketing plan designed to increase its financial services to distressed counties. As used in this section, "distressed counties" has the same meaning as distressed area in RCW 43.168.020.

At least one public hearing shall be conducted by the authority on the plan prior to its adoption. The plan shall be adopted by resolution of the authority no later than November 15, 1990. The authority may periodically update the plan as determined necessary by the authority. The plan or updated plan shall include a report on authority activities conducted since the commencement of authority operation or since the last plan was reported, whichever is more recent, including a statement of results achieved under the purposes of this chapter and the plan. Upon adoption, the authority shall conduct its programs in observance of the objectives established in the plan.

[1998 c 245 § 50; 1997 c 257 § 1; 1989 c 279 § 10.]

RCW 43.163.100 Powers of the authority.

Applicable Cases

In addition to accomplishing the economic development finance programs specifically authorized in this chapter, the authority may:

- (1) Maintain an office or offices;
- (2) Sue and be sued in its own name, and plead and be impleaded;
- (3) Engage consultants, agents, attorneys, and advisers, contract with federal, state, and local governmental entities for services, and hire such employees, agents and other personnel as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (4) Make and execute all manner of contracts, agreements and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (5) Acquire and hold real or personal property, or any interest therein, in the name of the authority, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (6) Open and maintain accounts in qualified public depositaries and otherwise provide for the investment of any funds not required for immediate disbursement, and provide for the selection of investments;
- (7) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, or local government;
- (8) Procure such insurance in such amounts and from such insurers as the authority deems desirable, including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;
- (9) Apply for and accept subventions, grants, loans, advances, and contributions from any

source of money, property, labor, or other things of value, to be held, used and applied as the authority deems necessary, useful, or convenient to accomplish its purposes;

(10) Establish guidelines for the participation by eligible banking organizations in programs conducted by the authority under this chapter;

(11) Act as an agent, by agreement, for federal, state, or local governmental entities to carry out the programs authorized in this chapter;

(12) Establish, revise, and collect such fees and charges as the authority deems necessary, useful, or convenient to accomplish its purposes;

(13) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter. PROVIDED, That expenditures with respect to the economic development financing programs of the authority shall not be made from funds of the state;

(14) Establish such reserves and special funds, and controls on deposits to and disbursements from them, as the authority deems necessary, useful, or convenient to accomplish its purposes;

(15) Give assistance to public bodies by providing information, guidelines, forms, and procedures for implementing their financing programs;

(16) Prepare, publish and distribute, with or without charge, such studies, reports, bulletins, and other material as the authority deems necessary, useful, or convenient to accomplish its purposes;

(17) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(18) Adopt rules concerning its exercise of the powers authorized by this chapter; and

(19) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

[1990 c 53 § 6; 1989 c 279 § 11.]

RCW 43.163.110 Restrictions on authority's activity.

Applicable Cases

Notwithstanding any other provision of this chapter, the authority shall not:

(1) Give any state money or property or loan any state money or credit to or in aid of any individual, association, company, or corporation, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation;

(2) Issue bills of credit or accept deposits of money for time or demand deposit, administer trusts, engage in any form or manner in, or in the conduct of, any private or commercial banking business, or act as a savings bank or savings and loan association other than as provided in this chapter;

(3) Be or constitute a bank or trust company within the jurisdiction or under the control of the director of financial institutions, the comptroller of the currency of the United States of America or the treasury department thereof;

(4) Be or constitute a bank, broker or dealer in securities within the meaning of, or subject to the provisions of, any securities, securities exchange or securities dealers' law of the United

States of America or the state;

(5) Engage in the financing of housing as provided for in chapter 43.180 RCW;

(6) Engage in the financing of health care facilities as provided for in chapter 70.37 RCW; or

(7) Engage in financing higher education facilities as provided for in chapter 28B.07 RCW.

[1994 c 92 § 499; 1989 c 279 § 12.]

RCW 43.163.120 Staffing, restrictions--Authority not to receive appropriated state funds.

Applicable Cases

The authority shall receive no appropriation of state funds. The department of community, trade, and economic development shall provide staff to the authority, to the extent permitted by law, to enable the authority to accomplish its purposes; the staff from the department of community, trade, and economic development may assist the authority in organizing itself and in designing programs, but shall not be involved in the issuance of bonds or in making credit decisions regarding financing provided to borrowers by the authority.

[1998 c 245 § 51; 1994 c 238 § 3; 1989 c 279 § 13.]

Notes:

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.130 Nonrecourse revenue bonds--Issuance.

Applicable Cases

(1) The authority may issue its nonrecourse revenue bonds in order to obtain the funds to carry out the programs authorized in this chapter. The bonds shall be special obligations of the authority, payable solely out of the special fund or funds established by the authority for their repayment.

(2) Any bonds issued under this chapter may be secured by a financing document between the authority and the purchasers or owners of such bonds or between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state.

(a) The financing document may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof.

(b) The financing document may contain such provisions for protecting and enforcing the rights, security, and remedies of bondowners as may be reasonable and proper, including, without limiting the generality of the foregoing, provisions defining defaults and providing for remedies in the event of default which may include the acceleration of maturities, restrictions on the individual rights of action by bondowners, and covenants setting forth duties of and limitations on the authority in conduct of its programs and the management of its property.

(c) In addition to other security provided in this chapter or otherwise by law, bonds issued by the authority may be secured, in whole or in part, by financial guaranties, by insurance or by

letters of credit issued to the authority or a trustee or any other person, by any bank, trust company, insurance or surety company or other financial institution, within or without the state. The authority may pledge or assign, in whole or in part, the revenues and funds held or to be received by the authority, any present or future contract or other rights to receive the same, and the proceeds thereof, as security for such guaranties or insurance or for the reimbursement by the authority to any issuer of such letter of credit of any payments made under such letter of credit.

(3) Without limiting the powers of the authority contained in this chapter, in connection with each issue of its obligation bonds, the authority shall create and establish one or more special funds, including, but not limited to debt service and sinking funds, reserve funds, project funds, and such other special funds as the authority deems necessary, useful, or convenient.

(4) Any security interest created against the unexpended bond proceeds and against the special funds created by the authority shall be immediately valid and binding against the money and any securities in which the money may be invested without authority or trustee possession. The security interest shall be prior to any party having any competing claim against the moneys or securities, without filing or recording under Article 9 of the Uniform Commercial Code, Title 62A RCW, and regardless of whether the party has notice of the security interest.

(5) The bonds may be issued as serial bonds, term bonds or any other type of bond instrument consistent with the provisions of this chapter. The bonds shall bear such date or dates; mature at such time or times; bear interest at such rate or rates, either fixed or variable; be payable at such time or times; be in such denominations; be in such form; bear such privileges of transferability, exchangeability, and interchangeability; be subject to such terms of redemption; and be sold at public or private sale, in such manner, at such time or times, and at such price or prices as the authority shall determine. The bonds shall be executed by the manual or facsimile signatures of the authority's chair and either its secretary or executive director, and may be authenticated by the trustee (if the authority determines to use a trustee) or any registrar which may be designated for the bonds by the authority.

(6) Bonds may be issued by the authority to refund other outstanding authority bonds, at or prior to maturity of, and to pay any redemption premium on, the outstanding bonds. Bonds issued for refunding purposes may be combined with bonds issued for the financing or refinancing of new projects. Pending the application of the proceeds of the refunding bonds to the redemption of the bonds to be redeemed, the authority may enter into an agreement or agreements with a corporate trustee regarding the interim investment of the proceeds and the application of the proceeds and the earnings on the proceeds to the payment of the principal of and interest on, and the redemption of, the bonds to be redeemed.

(7) The bonds of the authority may be negotiable instruments under Title 62A RCW.

(8) Neither the members of the authority, nor its employees or agents, nor any person executing the bonds shall be personally liable on the bonds or be subject to any personal liability or accountability by reason of the issuance of the bonds.

(9) The authority may purchase its bonds with any of its funds available for the purchase. The authority may hold, pledge, cancel or resell the bonds subject to and in accordance with agreements with bondowners.

(10) The authority shall not exceed five hundred million dollars in total outstanding debt at any time.

(11) The state finance committee shall be notified in advance of the issuance of bonds by the authority in order to promote the orderly offering of obligations in the financial markets.

(12) The authority may not issue any bonds after June 30, 2004.

[1998 c 48 § 1; 1994 c 238 § 5; 1989 c 279 § 14.]

Notes:

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.140 Nonrecourse revenue bonds--Contracts--Restrictions.

Applicable Cases

(1) Bonds issued by the authority under this chapter shall not be deemed to constitute obligations, either general, special or moral, of the state or of any political subdivision of the state, or pledge of the faith and credit of the state or of any political subdivision, or general obligations of the authority. The bonds shall be special obligations of the authority and shall be payable solely from the special fund or funds created by the authority for their repayment. The issuance of bonds under this chapter shall not obligate, directly, indirectly, or contingently, the state or any political subdivision of the state to levy any taxes or appropriate or expend any funds for the payment of the principal or the interest on the bonds. The substance of the limitations included in this paragraph shall be plainly printed, written, engraved, or reproduced on each bond and in any disclosure document prepared in conjunction with the offer and sale of bonds.

(2) Neither the proceeds of bonds issued under this chapter nor any money used or to be used to pay the principal of, premium, if any, or interest on the bonds shall constitute public money or property. All of such money shall be kept segregated and set apart from funds of the state and any political subdivision of the state and shall not be subject to appropriation or allotment by the state or subject to the provisions of chapter 43.88 RCW.

(3) Contracts entered into by the authority shall be entered into in the name of the authority and not in the name of the state. The obligations of the authority under such contracts shall be obligations only of the authority and shall not, in any way, constitute obligations of the state.

[1989 c 279 § 15.]

RCW 43.163.150 Nonrecourse revenue bonds--Financing documents, scope.

Applicable Cases

The authority may enter into financing documents with borrowers regarding bonds issued by the authority that may provide for the payment by each borrower of amounts sufficient, together with other revenues available to the authority, if any, to: (1) Pay the borrower's share of the fees established by the authority; (2) pay the principal of, premium, if any, and interest on outstanding bonds of the authority issued in respect of such borrower as the same shall become due and payable; and (3) create and maintain reserves required or provided for by the authority in connection with the issuance of such bonds. The payments shall not be subject to supervision or

regulation by any department, committee, board, body, bureau, or agency of the state other than the authority.

[1989 c 279 § 16.]

RCW 43.163.160 Nonrecourse revenue bonds--Money received shall be trust funds.

Applicable Cases

All money received by or on behalf of the authority with respect to this issuance of its bonds shall be trust funds to be held and applied solely as provided in this chapter. The authority, in lieu of receiving and applying the moneys itself, may enter into trust agreement or indenture with one or more banks or trust companies having the power and authority to conduct trust business in the state to:

(1) Perform all of any part of the obligations of the authority with respect to: (a) Bonds issued by it; (b) the receipt, investment and application of the proceeds of the bonds and money paid by a participant or available from other sources for the payment of the bonds; (c) the enforcement of the obligations of a borrower in connection with the financing or refinancing of any project; and (d) other matters relating to the exercise of the authority's powers under this chapter;

(2) Receive, hold, preserve, and enforce any security interest or evidence of security interest granted by a participant for purposes of securing the payment of the bonds; and

(3) Act on behalf of the authority or the owners of bonds of the authority for purposes of assuring or enforcing the payment of the bonds, when due.

[1989 c 279 § 17.]

RCW 43.163.170 Nonrecourse revenue bonds--Owner and trustee, enforcement of rights.

Applicable Cases

Any owner of bonds of the authority issued under this chapter, and the trustee under any trust agreement or indenture, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any of their respective rights, and may become the purchaser at any foreclosure sale if the person is the highest bidder, except to the extent the rights given are restricted by the authority in any bond resolution or trust agreement or indenture authorizing the issuance of the bonds.

[1989 c 279 § 18.]

RCW 43.163.180 Nonrecourse revenue bonds as legal investment.

Applicable Cases

The bonds or [of] the authority are securities in which all public officers and bodies of this state and all counties, cities, municipal corporations and political subdivisions, all banks, eligible banking organizations, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance companies and associations, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control.

[1989 c 279 § 19.]

RCW 43.163.190 Chapter as an alternative bond issuance method.

Applicable Cases

This chapter provides a complete, additional and alternative method for accomplishing the purposes of this chapter and shall be regarded as supplemental and additional to powers conferred by other laws. The issuance of bonds and refunding bonds under this chapter need not comply with the requirements of any other law applicable to the issuance of bonds.

[1989 c 279 § 20.]

RCW 43.163.200 Construction.

Applicable Cases

Insofar as the provisions of this chapter are inconsistent with the provisions of any general or special law, or parts thereof, the provisions of this chapter are controlling.

[1989 c 279 § 21.]

RCW 43.163.210 Nonrecourse revenue bond financing--Economic development activities--New products.

Applicable Cases

For the purpose of facilitating economic development in the state of Washington and encouraging the employment of Washington workers at meaningful wages:

(1) The authority may develop and conduct a program or programs to provide nonrecourse revenue bond financing for the project costs for economic development activities.

(2) The authority may develop and conduct a program that will stimulate and encourage the development of new products within Washington state by the infusion of financial aid for invention and innovation in situations in which the financial aid would not otherwise be reasonably available from commercial sources. The authority is authorized to provide nonrecourse revenue bond financing for this program.

(a) For the purposes of this program, the authority shall have the following powers and duties:

(i) To enter into financing agreements with eligible persons doing business in Washington state, upon terms and on conditions consistent with the purposes of this chapter, for the advancement of financial and other assistance to the persons for the development of specific products, procedures, and techniques, to be developed and produced in this state, and to condition the agreements upon contractual assurances that the benefits of increasing or maintaining employment and tax revenues shall remain in this state and accrue to it;

(ii) Own, possess, and take license in patents, copyrights, and proprietary processes and negotiate and enter into contracts and establish charges for the use of the patents, copyrights, and proprietary processes when the patents and licenses for products result from assistance provided by the authority;

(iii) Negotiate royalty payments to the authority on patents and licenses for products

arising as a result of assistance provided by the authority;

(iv) Negotiate and enter into other types of contracts with eligible persons that assure that public benefits will result from the provision of services by the authority; provided that the contracts are consistent with the state Constitution;

(v) Encourage and provide technical assistance to eligible persons in the process of developing new products;

(vi) Refer eligible persons to researchers or laboratories for the purpose of testing and evaluating new products, processes, or innovations; and

(vii) To the extent permitted under its contract with eligible persons, to consent to a termination, modification, forgiveness, or other change of a term of a contractual right, payment, royalty, contract, or agreement of any kind to which the authority is a party.

(b) Eligible persons seeking financial and other assistance under this program shall forward an application, together with an application fee prescribed by rule, to the authority. An investigation and report concerning the advisability of approving an application for assistance shall be completed by the staff of the authority. The investigation and report may include, but is not limited to, facts about the company under consideration as its history, wage standards, job opportunities, stability of employment, past and present financial condition and structure, pro forma income statements, present and future markets and prospects, integrity of management as well as the feasibility of the proposed product and invention to be granted financial aid, including the state of development of the product as well as the likelihood of its commercial feasibility. After receipt and consideration of the report set out in this subsection and after other action as is deemed appropriate, the application shall be approved or denied by the authority. The applicant shall be promptly notified of action by the authority. In making the decision as to approval or denial of an application, priority shall be given to those persons operating or planning to operate businesses of special importance to Washington's economy, including, but not limited to: (i) Existing resource-based industries of agriculture, forestry, and fisheries; (ii) existing advanced technology industries of electronics, computer and instrument manufacturing, computer software, and information and design; and (iii) emerging industries such as environmental technology, biotechnology, biomedical sciences, materials sciences, and optics.

(3) The authority may also develop and implement, if authorized by the legislature, such other economic development financing programs adopted in future general plans of economic development finance objectives developed under RCW 43.163.090.

(4) The authority may not issue any bonds for the programs authorized under this section after June 30, 2004.

[1998 c 48 § 2; 1997 c 257 § 2; 1996 c 310 § 1; 1994 c 238 § 4.]

Notes:

Effective date--1996 c 310 § 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1996]." [1996 c 310 § 3.]

Severability--Effective date--1994 c 238: See notes following RCW 43.163.010.

RCW 43.163.901 Severability--1989 c 279.

Applicable Cases

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

[1989 c 279 § 26.]

Chapter 43.165 RCW

COMMUNITY REVITALIZATION TEAM--ASSISTANCE TO DISTRESSED AREAS

RCW

43.165.010 Definitions.

RCW 43.165.010 Definitions.

Applicable Cases

Unless the context clearly requires to the contrary, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department.

(3) "Distressed area" means: (a) A county that has an unemployment rate that is twenty percent above the state-wide average for the previous three years; (b) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (c) a community or area that has experienced sudden and severe or long-term and severe loss of employment, or erosion of its economic base due to decline of its dominant industries; or (d) an area within a county which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Economic development revolving loan funds" means a local, not-for-profit or governmentally sponsored business loan program.

(5) "Team" means the community revitalization team.

(6) "Technical assistance" includes, but is not limited to, assistance with strategic planning, market research, business plan development review, organization and management development, accounting and legal services, grant and loan packaging, and other assistance which may be expected to contribute to the redevelopment and economic well-being of a distressed area.

[1996 c 290 § 2; 1995 c 399 § 91; 1987 c 461 § 1; 1985 c 229 § 1.]

Chapter 43.168 RCW
WASHINGTON STATE DEVELOPMENT LOAN FUND COMMITTEE

43.168.010	Legislative findings and declaration.
43.168.020	Definitions.
43.168.031	State development loan fund committee--Terminated June 30, 1994--Powers and duties transferred.
43.168.040	Approval of applications for federal community development block grant funds for projects.
43.168.050	Application approval--Conditions and limitations.
43.168.055	Application priorities.
43.168.060	Staff support and other duties of department--Rules.
43.168.070	Processing of applications--Contents of applications.
43.168.090	Availability of funds for committee use.
43.168.100	Entitlement community grants--Conditions.
43.168.110	Rural Washington loan fund.
43.168.120	Guidelines for use of funds for existing economic development revolving loan funds--Grants to local governments to assist existing economic development revolving loan funds.
43.168.130	Development of performance standards.
43.168.140	Rural natural resources impact areas.
43.168.150	Minority and women-owned businesses--Application process--Joint loan guarantee program.
43.168.900	Severability--1985 c 164.

Notes:

Community economic revitalization board to cooperate with committee: RCW 43.160.115.

Public disclosure: RCW 42.17.310.

RCW 43.168.010 Legislative findings and declaration.

Applicable Cases

The legislature finds that:

(1) The economic health and well-being of the state, particularly in areas of high unemployment, economic stagnation, and poverty, is of substantial public concern.

(2) The consequences of minimal economic activity and persistent unemployment and underemployment are serious threats to the safety, health, and welfare of residents of these areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(3) The economic and social interdependence of communities and the vitality of industrial and economic activity necessitates, and is in part dependent on preventing substantial dislocation of residents and rebuilding the diversification of the areas' economy.

(4) The ability to remedy problems in stagnant areas of the state is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the problems of poverty and unemployment.

(5) The revitalization of depressed communities requires the stimulation of private investment, the development of new business ventures, the provision of capital to ventures sponsored by local organizations and capable of growth in the business markets, and assistance to viable, but under-financed, small businesses in order to create and preserve jobs that are sustainable in the local economy.

Therefore, the legislature declares there to be a substantial public purpose in providing capital to promote economic development and job creation in areas of economic stagnation, unemployment, and poverty. To accomplish this purpose, the legislature hereby creates the rural Washington loan fund and vests in the department of community, trade, and economic development the authority to spend federal funds to stimulate the economy of distressed areas.

[1999 c 164 § 501; 1985 c 164 § 1.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

RCW 43.168.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (c) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (d) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; (e) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (f) a county designated as a rural natural resources impact area under RCW 43.31.601 if an application is filed by July 1, 1997. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Fund" means the rural Washington loan fund.

(5) "Local development organization" means a nonprofit organization which is organized

to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" means a county with a population density of fewer than one hundred persons per square mile as determined by the office of financial management.

[1999 c 164 § 502; 1996 c 290 § 3; 1995 c 226 § 27; 1993 c 280 § 56; 1991 c 314 § 19; 1988 c 42 § 18; 1987 c 461 § 2; 1985 c 164 § 2.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Effective date--Severability--1993 c 280: See RCW 43.330.902 and 43.330.903.

Findings--1991 c 314: See note following RCW 43.31.601.

Severability--1988 c 42: See note following RCW 4.24.480.

RCW 43.168.031 State development loan fund committee--Terminated June 30, 1994--Powers and duties transferred.

Applicable Cases

The Washington state development loan fund committee shall be terminated on June 30, 1994, and its powers and duties transferred to the director of the department of community, trade, and economic development.

[1995 c 399 § 92; 1988 c 186 § 7.]

RCW 43.168.040 Approval of applications for federal community development block grant funds for projects.

Applicable Cases

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of local governments for federal community development block grant funds which the local governments would use to make loans to finance business projects within their jurisdictions. Applications approved by the committee under this chapter shall conform to applicable federal requirements.

[1987 c 461 § 3; 1985 c 164 § 4.]

RCW 43.168.050 Application approval--Conditions and limitations.

Applicable Cases

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Will result in the creation of employment opportunities, the maintenance of threatened

employment, or development or expansion of business ownership by minorities and women;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, the employment of disadvantaged workers, and development or expansion of business ownership by minorities and women, will primarily accrue to residents of the area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee shall, subject to federal block grant criteria, give higher priority to economic development projects that contain provisions for child care.

(3) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(4) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(5)(a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(6) The committee shall fix the terms and rates pertaining to its loans.

(7) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the "greatest amount of employment or benefit" the committee shall also consider the employment which would be saved by its loan and the benefit relative to the community, not just the total number of new jobs or jobs saved.

(8) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the *Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(9) The committee shall not approve any application to finance or help finance a shopping mall.

(10) For loans not made to minority and women-owned businesses, the committee shall make at least eighty percent of the appropriated funds available to projects located in distressed areas, and may make up to twenty percent available to projects located in areas not designated as distressed. For loans not made to minority and women-owned businesses, the committee shall

not make funds available to projects located in areas not designated as distressed if the fund's net worth is less than seven million one hundred thousand dollars.

(11) If an objection is raised to a project on the basis of unfair business competition, the committee shall evaluate the potential impact of a project on similar businesses located in the local market area. A grant may be denied by the committee if a project is not likely to result in a net increase in employment within a local market area.

(12) For loans to minority and women-owned businesses who do not meet the credit criteria, the committee may consider nontraditional credit standards to offset past discrimination that has precluded full participation of minority or women-owned businesses in the economy. For applicants with high potential who do not meet the credit criteria, the committee shall consider developing alternative borrowing methods. For applicants denied loans due to credit problems, the committee shall provide financial counseling within available resources and provide referrals to credit rehabilitation services. In circumstances of competing applications, priority shall be given to members of eligible groups which previously have been least served by this fund.

[1993 c 512 § 12; 1990 1st ex.s. c 17 § 74; 1989 c 430 § 9; 1987 c 461 § 4; 1986 c 204 § 2; 1985 c 164 § 5.]

Notes:

***Reviser's note:** The "Washington state development loan fund" was renamed the "rural Washington loan fund" pursuant to 1999 c 164 § 504.

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Legislative findings--Severability--1989 c 430: See notes following RCW 43.31.502.

RCW 43.168.055 Application priorities.

Applicable Cases

In addition to the requirements of RCW 43.168.050, the department shall, subject to applicable federal funding criteria, give priority to applications that capitalize or recapitalize an existing or new local revolving fund based on criteria established by the department.

[1999 c 164 § 503.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164: See notes following RCW 43.160.010.

RCW 43.168.060 Staff support and other duties of department--Rules.

Applicable Cases

The department shall provide adequate and appropriate staff and other support to the committee. A record of committee proceedings shall be maintained by the department. The department is encouraged to work with local development organizations to promote applications for loans by the fund. The department shall also provide assistance to local development organizations and local governments to identify viable projects for consideration by the

committee. The department shall adopt such rules and regulations as are appropriate for the committee to carry out its authority under this chapter.

[1985 c 164 § 6.]

RCW 43.168.070 Processing of applications--Contents of applications.

Applicable Cases

The committee may receive and approve applications on a monthly basis but shall receive and approve applications on at least a quarterly basis for each fiscal year. The committee shall make every effort to simplify the loan process for applicants. Department staff shall process and assist in the preparation of applications. Each application shall show in detail the nature of the project, the types and numbers of jobs to be created, wages to be paid to new employees, and methods to hire unemployed persons from the area. Each application shall contain a credit analysis of the business to receive the loan. The chairperson of the committee may convene the committee on short notice to respond to applications of a serious or immediate nature.

[1993 c 512 § 14; 1987 c 461 § 5; 1985 c 164 § 7.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.168.090 Availability of funds for committee use.

Applicable Cases

The department shall make available for use by the committee an amount of federal community development block grant funds equal to the amount of state funds transferred or appropriated to the department for purposes of supplementing the department's block grant funds.

[1985 c 164 § 9.]

RCW 43.168.100 Entitlement community grants--Conditions.

Applicable Cases

The committee may make grants of state funds to local governments which qualify as "entitlement communities" under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements; and (3) spend at least the same amount of the grant for loans to businesses from the federal funds received by the entitlement community.

[1993 c 512 § 15; 1986 c 204 § 1; 1985 c 164 § 10.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.168.110 Rural Washington loan fund.

Applicable Cases

There is established the rural Washington loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation for loans under this chapter. Any expenditures of these moneys shall conform to federal law.

[1999 c 164 § 504; 1992 c 235 § 11; 1985 c 164 § 11.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

RCW 43.168.120 Guidelines for use of funds for existing economic development revolving loan funds--Grants to local governments to assist existing economic development revolving loan funds.

Applicable Cases

(1) The department shall develop guidelines for rural Washington loan funds to be used to fund existing economic development revolving loan funds. Consideration shall be given to the selection process for grantees, loan quality criteria, legal and regulatory issues, and ways to minimize duplication between rural Washington loan funds and local economic development revolving loan funds.

(2) If it appears that all of the funds appropriated to the fund for a biennium will not be fully granted to local governments within that biennium, the department may make available up to twenty percent of the eighty percent of the funds available to projects in distressed areas under RCW 43.168.050(10) for grants to local governments to assist existing economic development revolving loan funds in distressed areas. The grants to local governments shall be utilized to make loans to businesses that meet the specifications for loans under this chapter. The local governments shall, to the extent permitted under federal law, agree to convey to the fund the principal and interest payments from existing loans that the local governments have made through their revolving loan funds. Under circumstances where the federal law does not permit the department to require such transfer, the department shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

[1999 c 164 § 505; 1987 c 461 § 6.]

Notes:

Findings--Intent--Part headings and subheadings not law--Effective date--Severability--1999 c 164:
See notes following RCW 43.160.010.

RCW 43.168.130 Development of performance standards.

Applicable Cases

The committee shall develop performance standards for judging the effectiveness of the

program. Such standards shall include, to the extent possible, examining the effectiveness of grants in regard to:

- (1) Job creation for individuals of low and moderate income;
- (2) Retention of existing employment;
- (3) The creation of new employment opportunities;
- (4) The diversification of the economic base of local communities;
- (5) The establishment of employee cooperatives;
- (6) The provision of assistance in cases of employee buy-outs of firms to prevent the loss of existing employment;
- (7) The degree of risk assumed by the *development loan fund, with emphasis on loans which did not receive financing from commercial lenders, but which are considered financially sound.

[1998 c 245 § 52; 1987 c 461 § 7.]

Notes:

***Reviser's note:** The "Washington state development loan fund" was renamed the "rural Washington loan fund" pursuant to 1999 c 164 § 504.

RCW 43.168.140 Rural natural resources impact areas.

Applicable Cases

Any funds appropriated by the legislature to the *development loan fund for purposes of the timber recovery act shall be used for development loans in rural natural resources impact areas as defined in RCW 43.31.601.

[1995 c 226 § 28; 1991 c 314 § 20.]

Notes:

***Reviser's note:** The "Washington state development loan fund" was renamed the "rural Washington loan fund" pursuant to 1999 c 164 § 504.

Sunset Act application: See note following RCW 43.31.601.

Severability--Conflict with federal requirements--Effective date--1995 c 226: See notes following RCW 43.31.601.

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.168.150 Minority and women-owned businesses--Application process--Joint loan guarantee program.

Applicable Cases

Subject to the restrictions contained in this chapter, the committee is authorized to approve applications of minority and women-owned businesses for loans or loan guarantees from the fund. Applications approved by the committee under this chapter shall conform to applicable federal requirements. The committee shall prioritize available funds for loan guarantees rather than loans when possible. The committee may enter into agreements with other public or private lending institutions to develop a joint loan guarantee program for minority and women-owned

businesses. If such a program is developed, the committee may provide funds, in conjunction with the other organizations, to operate the program. This section does not preclude the committee from making individual loan guarantees.

To the maximum extent practicable, the funds available under this section shall be made available on an equal basis to minority and women-owned businesses. The committee shall submit to the appropriate committees of the senate and house of representatives quarterly reports that detail the number of loans approved and the characteristics of the recipients by ethnic and gender groups.

[1993 c 512 § 13.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

RCW 43.168.900 Severability--1985 c 164.

Applicable Cases

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

[1985 c 164 § 15.]

**Chapter 43.170 RCW
SMALL BUSINESS INNOVATORS' OPPORTUNITY PROGRAM**

RCW

- | | |
|------------|---|
| 43.170.010 | Legislative findings. |
| 43.170.020 | Definitions. |
| 43.170.030 | Small business innovators' opportunity program--Pilot project established--Composition and structure--User fee. |
| 43.170.040 | Chairman of program. |
| 43.170.060 | Eligibility. |
| 43.170.070 | Referral to investment opportunities office. |

RCW 43.170.010 Legislative findings.

Applicable Cases

The legislature recognizes the numerous benefits to the state's economic base from the establishment of small businesses by innovators and inventors and the numerous benefits provided by inventors and innovators through industrial diversification, broadening of the economic base, and providing financial benefits to our citizens and new products to the nation's consumers.

It is estimated that ninety-five percent of all inventions and innovations are never authoritatively considered primarily because inventors are unfamiliar with the business environment or financial structure necessary for implementing their proposals.

The legislature therefore recognizes a need to encourage and assist innovators and inventors.

[1982 c 44 § 1.]

RCW 43.170.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of community, trade, and economic development.

(3) "Program" means the small business innovators' opportunity program.

(4) "Inventor" or "innovator" means one who thinks of, imagines, or creates something new which may result in a device, contrivance, or process for the first time, through the use of the imagination or ingenious thinking and experimentation.

(5) "Proposal" means a plan provided by an inventor or innovator on an idea for an invention or an improvement.

(6) "Higher education" means any university, college, community college, or technical institute in this state.

[1995 c 399 § 93; 1985 c 466 § 60; 1982 c 44 § 2.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.170.030 Small business innovators' opportunity program--Pilot project established--Composition and structure--User fee.

Applicable Cases

The department, in cooperation with institutions of higher education, shall establish as a pilot project a small business innovators' opportunity program to provide a professional research and counseling service on a user fee basis to inventors, innovators, and the business community.

The composition and organizational structure of the program shall be determined by the department in a manner which will foster the continuation of the program without state funding at the end of the pilot project established by this chapter. The department shall provide staff support for the program for the duration of the pilot project. The program shall:

(1) Receive proposals from inventors and innovators;

(2) Review proposals for accuracy and evaluate their prospects for marketability;

(3) Cooperate with institutions of higher education to evaluate proposals for marketability, suitability for patent rights, and for the provision of professional research and counseling;

(4) Provide assistance to the innovators and inventors as appropriate; and

(5) Have the power to receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement this chapter.

The user fee shall be set by the director in an amount which is designed to recover the cost of the services provided.

[1995 c 399 § 94; 1985 c 466 § 61; 1982 c 44 § 3.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.170.040 Chairman of program.

Applicable Cases

The director shall be the chairman of the program during the pilot project.

[1982 c 44 § 4.]

RCW 43.170.060 Eligibility.

Applicable Cases

Only businesses with fifty employees or less which are not subsidiaries of another business and individuals are eligible to participate in the program.

[1982 c 44 § 6.]

RCW 43.170.070 Referral to investment opportunities office.

Applicable Cases

Any innovation or inventor receiving assistance under this program shall be referred to the investment opportunities office operated by the department.

[1995 c 399 § 95; 1989 c 312 § 9.]

Notes:

Severability--1989 c 312: See note following RCW 43.31.403.

Investment opportunities office: RCW 43.31.403.

**Chapter 43.172 RCW
MINORITY AND WOMEN-OWNED BUSINESSES--SMALL BUSINESS BONDING
ASSISTANCE PROGRAM**

RCW

43.172.005	Intent.
43.172.010	Definitions.
43.172.011	Definitions--Bonding program.
43.172.020	Small business bonding assistance program--Implementation--Rules.
43.172.030	Assistance from other agencies.
43.172.040	Entrepreneurial training course.
43.172.050	Entrepreneurial accreditation of small contracting businesses.
43.172.060	Professional services assistance--One-time grants.
43.172.070	Grant administration.
43.172.080	Bond guarantees--Generally.
43.172.090	Bond guarantees--Approval process.

43.172.100	Small business bonding assistance program fund--Expenditures.
43.172.110	Small business bonding assistance program fund--Support.
43.172.120	Gifts, grants, endowments.
43.172.900	Short title--1993 c 512.
43.172.901	Part headings and section captions--1993 c 512.
43.172.902	Severability--1993 c 512.
43.172.903	Effective date--1993 c 512.

Notes:

Minority and women business development office: RCW 43.31.0925.

RCW 43.172.005 Intent.

Applicable Cases

It is the intent of the legislature to combat discrimination in the economy.

(1) The legislature finds that discrimination is in part responsible for:

(a) The disproportionately small percentage of the state's businesses that are owned by minorities and women;

(b) The limited and unequal opportunity minority and women entrepreneurs and business owners have to procure small business financing; and

(c) The difficulty many minority and women-owned contracting businesses have in securing bonds and contract work.

(2) The legislature further finds that:

(a) Many minority and women entrepreneurs and business owners lack training in how to establish and operate a business. This lack of training inhibits their competitiveness when they apply for business loans, bonds, and contracts;

(b) Minorities and women are an increasingly expanding portion of the population and work force. In order for these individuals to fully contribute to the society and economy it is necessary to ensure that minority and women entrepreneurs and business owners are provided an equal opportunity to procure small business financing, bonds, and contracts; and

(c) The growth of small businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Access to financial markets, bonds, and contracts by entrepreneurs and small business owners is vital to this process. Without reasonable access to financing, bonds, and contracts, talented and aggressive entrepreneurs and small business owners are cut out of the economic system and the state's economy suffers.

(3) Therefore, the legislature declares there to be a substantial public purpose in providing technical assistance in the areas of marketing, finance, and management, and access to capital resources, bonds, and contracts, to help start or expand a minority or women-owned business, and specifically to encourage and make possible greater participation by minorities and women in international trade, public works and construction, and public facility concessions. To accomplish these purposes, it is the intent of the legislature to:

(a) Develop or contract for training courses in financing, marketing, managing, accounting, and recordkeeping for a small business and to make these programs available to minority and women entrepreneurs and small business owners;

(b) Make public works and construction projects, public facility concessions, and purchase of goods and services accessible to a greater number of minority and women-owned businesses;

(c) Provide for the lending of nonstate funds to qualified minority and women entrepreneurs and business owners in order to provide the maximum practicable opportunity for innovative minority and women entrepreneurs and business owners to compete for small business financing; and

(d) Provide professional services assistance grants and bond guarantees on behalf of qualified contractors in order to provide the maximum practicable opportunity for minority and women-owned contracting businesses to participate in the Washington state economy by bidding and completing various public and private contracting jobs.

[1993 c 512 § 1.]

Notes:

Linked deposit program: RCW 43.86A.060.

RCW 43.172.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Minority" means persons of color, including African-Americans, Hispanic/Latino Americans, Native Americans, and Asian/Pacific Islanders Americans;

(2) "Minority and women-owned business" means any resident minority business enterprise or women's business enterprise, certified as such by the office of minority and women's business enterprises under chapter 39.19 RCW and consistent with subsection (1) of this section.

[1993 c 512 § 2.]

RCW 43.172.011 Definitions--Bonding program.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.172.020 through 43.172.110.

(1) "Approved surety company" means a surety company approved by the department for participation in providing direct bonding assistance to qualified contractors.

(2) "Bond" means any bond or security required for bid, payment, or performance of contracts.

(3) "Department" means the department of community, trade, and economic development.

(4) "Program" means the Washington state small business bonding assistance program

provided for in this chapter.

(5) "Qualified contractor" means any resident minority business enterprise or women's business enterprise, as determined by the department to be consistent with the requirements of chapter 39.19 RCW and engaged in the contracting business, which has obtained a certificate of accreditation from the Washington state small business bonding assistance program.

[1995 c 399 § 96; 1993 c 512 § 16.]

RCW 43.172.020 Small business bonding assistance program--Implementation--Rules.

Applicable Cases

There is established within the department the Washington state small business bonding assistance program to assist resident minority and women-owned small contracting businesses to acquire the managerial and financial skills, standards, and assistance necessary to enable them to obtain bid, payment, and performance bonds from surety companies for either advertised or designated contracts. The department shall implement the program by establishing a course of instruction as set forth in RCW 43.172.040. The department shall encourage surety companies and other private interests to help implement this course of instruction to assist minority and women-owned small contracting businesses. The department shall adopt rules to ensure the proper implementation of the program set forth in this chapter.

[1995 c 399 § 97; 1993 c 512 § 17.]

RCW 43.172.030 Assistance from other agencies.

Applicable Cases

The department shall seek information, advice, and assistance from regional minority contractor organizations, and the United States small business administration and any other appropriate organization or agency.

The following departments, offices, and agencies shall, at the request of the department, provide information, advice, and assistance to the department:

- (1) The department of general administration;
- (2) The Washington state *business assistance center;
- (3) The office of the insurance commissioner;
- (4) The Washington state economic development finance authority; and
- (5) The office of minority and women's business enterprises.

[1993 c 512 § 18.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.172.040 Entrepreneurial training course.

Applicable Cases

The *business assistance center shall modify the entrepreneurial training course

established in RCW 43.31.093 in order to provide instruction which is appropriate to the specific needs of contracting businesses. This course of instruction shall be available to resident minority and women-owned small business contractors. The instruction shall be intensive, practical training courses in financing, bidding for contracts, managing, accounting, and recordkeeping for a contracting business, with an emphasis on federal, state, local, or private programs available to assist small contractors. The *business assistance center shall appoint professional instructors, with practical knowledge and experience in the field of small business contracting, to teach those courses developed to meet the specific needs of contracting businesses. Instruction shall be offered in major population centers throughout the state at times and locations which are convenient for people in the contracting business.

[1993 c 512 § 19.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.172.050 Entrepreneurial accreditation of small contracting businesses.

Applicable Cases

Any resident minority or women-owned small business contractor may select a key management employee or employees to attend any course of instruction established under RCW 43.31.093. When the records, maintained by the *business assistance center, indicate that a key management employee of a small contracting business has attended all the courses offered, and has successfully completed any tests required, the department shall award the small contracting business a certificate of accreditation which acknowledges successful completion of the courses. The department may also award a certificate of accreditation if a review of the key management employee's education, experience, and business history indicates that the business already possesses the knowledge and skills offered through the course of instruction, or if the key management employee successfully completes all tests required of those who attend the entrepreneurial training course.

[1993 c 512 § 20.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

RCW 43.172.060 Professional services assistance--One-time grants.

Applicable Cases

Any qualified contractor seeking a grant for professional services assistance may apply to the department. If approved, the department may enter into an agreement to provide a grant of up to two thousand five hundred dollars on behalf of a qualified contractor for the acquisition of the professional services of certified public accountants, construction management companies, or any

other technical, surety, financial, or managerial professionals. This assistance is only available to a qualified contractor on a one-time basis.

[1993 c 512 § 21.]

RCW 43.172.070 Grant administration.

Applicable Cases

The department shall administer all grants issued to assist qualified contractors and shall monitor the performance of all grant recipients in order to provide such further assistance as is necessary to ensure that all program requirements are met and that the program's purpose is fulfilled. However, nothing in this chapter should be construed to restrict the rendering of program services to any qualified contractor over and above the services provided by the grant.

[1993 c 512 § 22.]

RCW 43.172.080 Bond guarantees--Generally.

Applicable Cases

If a qualified contractor makes a bond application to an approved surety company for a public or private contracting job, but fails to obtain the bond because the contractor is unable to meet the requirements of the surety company on such bonding contracts, for reasons other than nonperformance, and if the approved surety company applies to the department to have the bond guaranteed by the program, then the department may provide a bond guarantee of up to seventy-five thousand dollars on behalf of the qualified contractor.

[1993 c 512 § 23.]

RCW 43.172.090 Bond guarantees--Approval process.

Applicable Cases

Upon receipt of an approved surety company's application for a bond guarantee, the program supervisor shall review the application in order to verify that:

- (1) The bond being sought by the qualified contractor is needed;
- (2) The contracting job is within the qualified contractor's capability to perform; and
- (3) The qualified contractor has not been denied a bond due to nonperformance.

Based upon subsections (1) through (3) of this section, the department shall either approve or disapprove the application. If the application is approved, the department has the authority to enter into a contract with the approved surety company. Under the terms of this contract the approved surety company shall enter into a contract with, and issue the required bond to, the qualified contractor at the standard fees and charges usually made by the company for the type and amount of the bond issued. The bond issued by the approved surety company shall be guaranteed by money in the program fund. The approved surety company shall also agree to make a reasonable, good faith effort to pursue and collect any claims it may have against a qualified contractor who defaults on a bond guaranteed by the program, including, but not limited to, the institution of legal proceedings against the defaulting contractor, prior to collecting on the guarantee.

[1993 c 512 § 24.]

RCW 43.172.100 Small business bonding assistance program fund--Expenditures.

Applicable Cases

The Washington state small business bonding assistance program fund is created in the state treasury. Any amounts appropriated, donated, or granted to the program shall be deposited and credited to the program fund. Moneys in the program fund may be spent only after appropriation. Expenditures from the program fund shall only be used as follows:

- (1) To pay the implementation costs of the program provided for in this chapter;
- (2) To be disbursed by the department to enable qualified contractors to obtain services provided for in this chapter; and
- (3) To guarantee bonds issued pursuant to RCW 43.172.080 and 43.172.090 and to pay such bonds in the event of default by a qualified contractor.

However, the full faith and credit of the state of Washington shall not be used to secure the bonds and the state's liability shall be limited to the money appropriated by the legislature.

[1993 c 512 § 25.]

RCW 43.172.110 Small business bonding assistance program fund--Support.

Applicable Cases

The department shall solicit funds and support from surety companies and other public and private entities with an interest in assisting Washington's small business contractors and may enter into agreements with such companies and interests by which they provide funds to the program fund to be matched with funds from nonstate sources.

[1993 c 512 § 26.]

RCW 43.172.120 Gifts, grants, endowments.

Applicable Cases

The department may receive gifts, grants, and endowments from public or private sources that may be made from time to time, in trust or otherwise, for the use and benefit of the Washington state small business bonding assistance program and spend gifts, grants, endowments or any income from the public or private sources according to their terms.

[1993 c 512 § 27.]

RCW 43.172.900 Short title--1993 c 512.

Applicable Cases

This act may be known and cited as the omnibus minority and women-owned businesses assistance act.

[1993 c 512 § 38.]

RCW 43.172.901 Part headings and section captions--1993 c 512.

Applicable Cases

Part headings and section captions as used in this act do not constitute part of the law.

[1993 c 512 § 40.]

RCW 43.172.902 Severability--1993 c 512.

Applicable Cases

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

[1993 c 512 § 41.]

RCW 43.172.903 Effective date--1993 c 512.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 512 § 42.]

**Chapter 43.175 RCW
GOVERNOR'S SMALL BUSINESS IMPROVEMENT COUNCIL**

RCW

- 43.175.010 Governor's small business improvement council--Established--Membership--Travel expenses--Staff support and administrative assistance.
- 43.175.020 Duties.
- 43.175.901 Severability--1984 c 282.

RCW 43.175.010 Governor's small business improvement council--Established--Membership--Travel expenses--Staff support and administrative assistance.

Applicable Cases

(1) There is established the governor's small business improvement council to consist of at least fifteen but not more than thirty members, including one member of each caucus in the house of representatives and the senate, to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses, and provide for the representation of women or members of minority groups, and agribusiness concerns. The governor shall appoint ex officio nonvoting members to the council from the various state agencies with business assistance services or responsibilities. Members of the governor's small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the governor's small business improvement council shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 subject to legislative

appropriation.

(3) The office of the governor shall provide staff support and administrative assistance to the council.

[1987 c 348 § 6; 1985 c 466 § 62; 1984 c 282 § 7.]

Notes:

Legislative findings--1987 c 348: "The Washington state legislature finds that businesses are an integral part of the state's economy which promote economic development and are a primary source of employment opportunities for the state's citizens. The legislature further recognizes the ability of state government to assist businesses and especially small businesses by coordinating existing business programs and expanding effective business services." [1987 c 348 § 1.]

Office of small business abolished--Transfer of functions--References--1987 c 348: "The office of small business is hereby abolished and its powers, duties, and functions are hereby transferred to the business assistance center. All references to the office of small business in the Revised Code of Washington shall be construed to mean the business assistance center." [1987 c 348 § 9.]

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.175.020 Duties.

Applicable Cases

The governor's small business improvement council shall seek to: Identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses; and advise and comment on state business programs and the *business assistance center on program policies, and services to assist small businesses. In consultation with the *business assistance center and the appropriate standing committees of the senate and house of representatives, the governor's small business improvement council may submit its proposals and recommendations to the governor and the legislature.

[1998 c 245 § 53; 1987 c 348 § 7; 1985 c 466 § 63; 1984 c 282 § 8.]

Notes:

***Reviser's note:** The business assistance center and its powers and duties were terminated June 30, 1995. RCW 43.31.083, 43.31.085, 43.31.087, and 43.31.089 were repealed by 1993 c 280 § 81, effective June 30, 1996.

Legislative findings--1987 c 348: See note following RCW 43.175.010.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.175.901 Severability--1984 c 282.

Applicable Cases

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

[1984 c 282 § 17.]

**Chapter 43.180 RCW
HOUSING FINANCE COMMISSION**

Revised Code of Washington, 1999

RCW

- 43.180.010 Declaration of public policies--Purpose.
- 43.180.020 Definitions.
- 43.180.030 Bonds not debt of state.
- 43.180.040 Commission created.
- 43.180.050 Housing financing powers--Annual audit.
- 43.180.060 No power of eminent domain or taxation.
- 43.180.070 Housing finance plan.
- 43.180.080 General powers.
- 43.180.090 Selection of bond counsel--Written policies to be adopted.
- 43.180.100 Selection of underwriters--Written policies to be adopted.
- 43.180.110 Review of initial policies adopted under RCW 43.180.090 and 43.180.100--Adoption--Change.
- 43.180.120 Rules for fair allocation of bond proceeds for nonrental single family housing.
- 43.180.130 Protection of bondholders--Mortgage insurance.
- 43.180.140 Rules for energy efficiency.
- 43.180.150 Bond issues--Terms--Issuance--Purchase, etc.
- 43.180.160 Debt limitation.
- 43.180.170 Bond issues--Disposition of proceeds--Special fund.
- 43.180.180 Bond issues--Disposition of revenues--Special trust fund.
- 43.180.190 Legal investments.
- 43.180.200 Internal revenue code.
- 43.180.220 Housing finance program--Mortgage financing--Investments--Flexible loan underwriting guidelines.
- 43.180.230 Housing finance program--Program elements.
- 43.180.240 Housing finance program--Report to legislature annually--Implementation.

NONPROFIT CORPORATION FACILITIES

- 43.180.300 Definitions.
- 43.180.310 Commission powers.
- 43.180.320 Revenue bonds.
- 43.180.330 Revenue refunding bonds.
- 43.180.340 Trust agreements.
- 43.180.350 Lessees or assignees.
- 43.180.360 Default.
- 43.180.900 Conflict with federal requirements.
- 43.180.901 Liberal construction.
- 43.180.902 Captions not part of law.
- 43.180.903 Severability--1983 c 161.
- 43.180.904 Effective dates--1983 c 161.

RCW 43.180.010 Declaration of public policies--Purpose.

Applicable Cases

It is declared to be the public policy of the state and a recognized governmental function to assist in making affordable and decent housing available throughout the state and by so doing to contribute to the general welfare. Decent housing for the people of our state is a most important public concern. Interest rates and construction costs have made it impossible for many Washington citizens to purchase their own homes. Older people, disabled persons, and low and

moderate income families often cannot afford to rent decent housing. There exists throughout the state a serious shortage of safe, sanitary and energy efficient housing available at prices within the financial means of our citizens. General economic development within the state is also impeded by a lack of affordable housing. The state's economy, which is dependent on the timber, wood products, and construction industries, has been damaged by inadequate investment in housing construction and rehabilitation. The result has been high unemployment and economic hardship affecting the prosperity of all the people of the state, particularly those in the wood products industry.

It is the purpose of this chapter to establish a state housing finance commission to act as a financial conduit which, without using public funds or lending the credit of the state or local government, can issue nonrecourse revenue bonds and participate in federal, state, and local housing programs and thereby make additional funds available at affordable rates to help provide housing throughout the state. It is also a primary purpose of this chapter to encourage the use of Washington state forest products in residential construction. This chapter is enacted to accomplish these and related purposes and shall be liberally construed to carry out its purposes and objectives.

[1983 c 161 § 1.]

RCW 43.180.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bonds" means the bonds, notes, or other evidences of indebtedness of the commission, the interest paid on which may or may not qualify for tax exemption.

(2) "Code" means the federal internal revenue code of 1954, as now or hereafter amended, and the regulations and rulings promulgated thereunder.

(3) "Commission" means the Washington state housing finance commission or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the commission shall be given by law.

(4) "Costs of housing" means all costs related to the development, design, acquisition, construction, reconstruction, leasing, rehabilitation, and other improvements of housing, as determined by the commission.

(5) "Eligible person" means a person or family eligible in accordance with standards promulgated by the commission. Such persons shall include those persons whose income is insufficient to obtain at a reasonable cost, without financial assistance, decent, safe, and sanitary housing in the area in which the person or family resides, and may include such other persons whom the commission determines to be eligible.

(6) "Housing" means specific new, existing, or improved residential dwellings within this state or dwellings to be constructed within this state. The term includes land, buildings, and manufactured dwellings, and improvements, furnishings, and equipment, and such other nonhousing facilities, furnishings, equipment, and costs as may be incidental or appurtenant

thereto if in the judgment of the commission the facilities, furnishings, equipment and costs are an integral part of the project. Housing may consist of single-family or multifamily dwellings in one or more structures located on contiguous or noncontiguous parcels or any combination thereof. Improvements may include such equipment and materials as are appropriate to accomplish energy efficiency within a dwelling. The term also includes a dwelling constructed by a person who occupies and owns the dwelling, and nursing homes licensed under chapter 18.51 RCW.

(7) "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing. The property may be held in fee simple or on a leasehold under a lease having a remaining term, at the time the mortgage is acquired, of not less than the term of repayment of the mortgage loan secured by the mortgage. The property may also be housing which is evidenced by an interest in a cooperative association or corporation if ownership of the interest entitles the owner of the interest to occupancy of a dwelling owned by the association or corporation.

(8) "Mortgage lender" means any of the following entities which customarily provide service or otherwise aid in the financing of housing and which are approved as a mortgage lender by the commission: A bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, mortgage company, credit union, life insurance company, or any other financial institution, governmental agency, municipal corporation, or any holding company for any of the entities specified in this subsection.

(9) "Mortgage loan" means an interest-bearing loan or a participation therein, made to a borrower, for the purpose of financing the costs of housing, evidenced by a promissory note, and which may or may not be secured (a) under a mortgage agreement, (b) under any other security agreement, regardless of whether the collateral is personal or real property, or (c) by insurance or a loan guarantee of a third party. However, an unsecured loan shall not be considered a mortgage loan under this definition unless the amount of the loan is under two thousand five hundred dollars.

[1990 c 167 § 1; 1983 c 161 § 2.]

RCW 43.180.030 Bonds not debt of state.

Applicable Cases

Bonds issued under this chapter shall be issued in the name of the commission. The bonds shall not be obligations of the state of Washington and shall be obligations only of the commission payable from the special fund or funds created by the commission for their payment. Such funds shall not be or constitute public moneys or funds of the state of Washington but at all times shall be kept segregated and set apart from other funds.

Bonds issued under this chapter shall contain a recital on their face to the effect that payment of the principal of, interest on, and prepayment premium, if any, on the bonds, shall be a valid claim only as against the special fund or funds relating thereto, that neither the faith and credit nor the taxing power of the state or any municipal corporation, subdivision, or agency of

the state, other than the commission as set forth in this chapter, is pledged to the payment of the principal of, interest on, and prepayment premium, if any, on the bonds.

Contracts entered into by the commission shall be entered into in the name of the commission and not in the name of the state of Washington. The obligations of the commission under the contracts shall be obligations only of the commission and are not in any way obligations of the state of Washington.

[1983 c 161 § 3.]

RCW 43.180.040 Commission created.

Applicable Cases

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

(a) The state treasurer, ex officio;

(b) The director of community, trade, and economic development, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;

(d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;

(e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor with the consent of the senate;

(g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the *department of community development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his or her appointment to the

commission shall be subject to the consent of the senate. The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW.

[1995 c 399 § 98; 1985 c 6 § 14; 1984 c 287 § 90; 1983 c 161 § 4.]

Notes:

***Reviser's note:** Powers, duties, and functions of the department of community development and the department of trade and economic development were transferred to the department of community, trade, and economic development by 1993 c 280, effective July 1, 1994.

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 43.180.050 Housing financing powers--Annual audit.

Applicable Cases

(1) In addition to other powers and duties prescribed in this chapter, and in furtherance of the purposes of this chapter to provide decent, safe, sanitary, and affordable housing for eligible persons, the commission is empowered to:

- (a) Issue bonds in accordance with this chapter;
- (b) Invest in, purchase, or make commitments to purchase or take assignments from mortgage lenders of mortgages or mortgage loans;
- (c) Make loans to or deposits with mortgage lenders for the purpose of making mortgage loans; and
- (d) Participate fully in federal and other governmental programs and to take such actions as are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of those programs and to meet their requirements, including such actions as the commission considers appropriate in order to have the interest payments on its bonds and other obligations treated as tax exempt under the code.

(2) The commission shall establish eligibility standards for eligible persons, considering at least the following factors:

- (a) Income;
- (b) Family size;
- (c) Cost, condition and energy efficiency of available residential housing;
- (d) Availability of decent, safe, and sanitary housing;
- (e) Age or infirmity; and
- (f) Applicable federal, state, and local requirements.

The state auditor shall audit the books, records, and affairs of the commission annually to

determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

[1986 c 264 § 1; 1983 c 161 § 5.]

RCW 43.180.060 No power of eminent domain or taxation.

Applicable Cases

The commission does not have the power of eminent domain and the commission does not have the power to levy any taxes of any kind.

[1983 c 161 § 6.]

RCW 43.180.070 Housing finance plan.

Applicable Cases

The commission shall adopt a general plan of housing finance objectives to be implemented by the commission during the period of the plan. The commission may exercise the powers authorized under this chapter prior to the adoption of the initial plan. In developing the plan, the commission shall consider and set objectives for:

- (1) The use of funds for single-family and multifamily housing;
- (2) The use of funds for new construction, rehabilitation, including refinancing of existing debt, and home purchases;
- (3) The housing needs of low-income and moderate-income persons and families, and of elderly or mentally or physically handicapped persons;
- (4) The use of funds in coordination with federal, state, and local housing programs for low-income persons;
- (5) The use of funds in urban, rural, suburban, and special areas of the state;
- (6) The use of financing assistance to stabilize and upgrade declining urban neighborhoods;
- (7) The use of financing assistance for economically depressed areas, areas of minority concentration, reservations, and in mortgage-deficient areas;
- (8) The geographical distribution of bond proceeds so that the benefits of the housing programs provided under this chapter will be available to address demand on a fair basis throughout the state;
- (9) The use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings.

The plan shall include an estimate of the amount of bonds the commission will issue during the term of the plan and how bond proceeds will be expended.

The plan shall be adopted by resolution of the commission following at least one public hearing thereon, notice of which shall be made by mailing to the clerk of the governing body of each county and by publication in the Washington State Register no more than forty and no less than twenty days prior to the hearing. A draft of the plan shall be made available not less than thirty days prior to any such public hearing. At least every two years, the commission shall report

to the legislature regarding implementation of the plan.

The commission may periodically update the plan.

The commission shall adopt rules designed to result in the use of bond proceeds in a manner consistent with the plan. The commission may periodically update its rules.

This section is designed to deal only with the use of bond proceeds and nothing in this section shall be construed as a limitation on the commission's authority to issue bonds.

[1999 c 372 § 11; 1999 c 131 § 1; 1983 c 161 § 7.]

Notes:

Reviser's note: This section was amended by 1999 c 131 § 1 and by 1999 c 372 § 11, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 43.180.080 General powers.

Applicable Cases

In addition to other powers and duties specified in this chapter, the commission may:

(1) Establish in resolutions relating to any issuance of bonds, or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of mortgages and mortgage loans or the making of loans to mortgage lenders as the commission deems necessary or desirable, including but not limited to: (a) The time within which mortgage lenders must make commitments and disbursements for mortgages or mortgage loans; (b) the location and other characteristics of single-family housing or multifamily housing to be financed by mortgages and mortgage loans; (c) the terms and conditions of mortgages and mortgage loans to be acquired; (d) the amounts and types of insurance coverage required on mortgages, mortgage loans, and bonds; (e) the representations and warranties of mortgage lenders confirming compliance with such standards and requirements; (f) restrictions as to interest rate and other terms of mortgages or mortgage loans or the return realized therefrom by mortgage lenders; (g) the type and amount of collateral security to be provided to assure repayment of any loans from the commission and to assure repayment of bonds; and (h) any other matters related to the purchase of mortgages or mortgage loans or the making of loans to lending institutions as shall be deemed relevant by the commission;

(2) Sue and be sued in its own name;

(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its purposes or powers, including but not limited to contracts or agreements for the origination, servicing, and administration of mortgages or mortgage loans, and the borrowing of money;

(4) Procure such insurance, including but not limited to insurance: (a) Against any loss in connection with its property and other assets, including but not limited to mortgages or mortgage loans, in such amounts and from such insurers as the commission deems desirable, and (b) to indemnify members of the commission for acts done in the course of their duties;

(5) Provide for the investment of any funds, including funds held in reserve, not required

for immediate disbursement, and provide for the selection of investments;

(6) Fix, revise, and collect fees and charges in connection with the investigation and financing of housing or in connection with assignments, contracts, purchases of mortgages or mortgage loans, or any other actions permitted under this chapter or by the commission; and receive grants and contributions;

(7) Make such expenditures as are appropriate for paying the administrative costs of the commission and for carrying out the provisions of this chapter. These expenditures may be made only from funds consisting of the commission's receipts from fees and charges, grants and contributions, the proceeds of bonds issued by the commission, and other revenues; these expenditures shall not be made from funds of the state of Washington;

(8) Establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(9) Conduct such investigations and feasibility studies as it deems appropriate;

(10) Proceed with foreclosure actions or accept deeds in lieu of foreclosure together with the assignments of leases and rentals incidental thereto. Any properties acquired by the commission through such actions shall be sold as soon as practicable through persons licensed under chapter 18.85 RCW or at public auction, or by transfer to a public agency. In preparation for the disposition of the properties, the commission may own, lease, clear, construct, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, or encumber the properties;

(11) Take assignments of leases and rentals;

(12) Subject to any provisions of the commission's contracts with the holders of obligations of the commission, consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind;

(13) Subject to provisions of the commission's contracts with the holders of bonds, permit the reduction of rental or carrying charges to persons unable to pay the regular rent or schedule of charges if, by reason of other income of the commission or by reason of payment by any department, agency, or instrumentality of the United States or of this state, the reduction can be made without jeopardizing the economic stability of the housing being financed;

(14) Sell, at public or private sale, with or without public bidding, any mortgage, mortgage loan, or other instrument or asset held by the commission;

(15) Employ, contract with, or engage engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction or financing experts, other technical or professional assistants, and such other personnel as are necessary. The commission may delegate to the appropriate persons the power to execute legal instruments on its behalf;

(16) Receive contributions or grants from any source unless otherwise prohibited;

(17) Impose covenants running with the land in order to satisfy and enforce the requirements of applicable state and federal law and commission policy with respect to housing or other facilities financed by the commission or assisted by federal, state, or local programs administered by the commission, by executing and recording regulatory agreements or other

covenants between the commission and the person or entity to be bound. These regulatory agreements and covenants shall run with the land and be enforceable by the commission or its successors or assigns against the person or entity making the regulatory agreement or covenants or its successors or assigns, even though there may be no privity of estate or privity of contract between the commission or its successors or assigns and the person or entity against whom enforcement is sought. The term of any such covenant shall be set forth in the recorded agreement containing the covenant. This subsection shall apply to regulatory agreements and covenants previously entered into by the commission as well as regulatory agreements and covenants entered into by the commission on or after July 27, 1997;

(18) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(19) Exercise any other power reasonably required to implement the purposes of this chapter.

[1997 c 163 § 1; 1983 c 161 § 8.]

RCW 43.180.090 Selection of bond counsel--Written policies to be adopted.

Applicable Cases

(1) The commission shall adopt written policies to provide for the selection of bond counsel. The policies shall provide for the creation and maintenance of a roster of attorneys whom the commission believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bondholders, and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on the bonds issued by the commission. Any attorney may apply to have his or her name placed on the roster, but may not be placed on the roster unless the attorney demonstrates to the commission's satisfaction that the attorney would issue the kind of opinions required by this section.

(2) Prior to selecting an attorney or attorneys to provide bond counsel services, the commission shall provide all attorneys on the roster with a notice of its intentions to select bond counsel and shall invite each of them to submit to the commission his or her fee schedule for providing bond counsel services. The commission shall have wide discretion in selecting the attorney or attorneys it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider all submitted fee schedules and the public interest in achieving both savings in bond counsel fees and issuance of bonds on terms most favorable to the commission. At least once every two calendar years, the commission shall select anew an attorney or attorneys to serve as bond counsel. However, the commission may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously retained may be selected again but only after the commission has provided other attorneys on the roster with an opportunity to be selected and has made the fee schedule review required under this subsection. In addition to or as an alternative to retaining counsel for a period of time, the commission may appoint an attorney to serve as counsel in respect to only a particular bond issue.

[1983 c 161 § 9.]

RCW 43.180.100 Selection of underwriters--Written policies to be adopted.

Applicable Cases

(1) The commission shall adopt written policies to provide for the selection of underwriters. The policies shall provide for the creation of a roster of underwriters whom the commission believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the commission's bonds at the lowest possible costs. Any underwriter may apply to have its name placed on the roster, but may not be placed on the roster unless it demonstrates to the commission's satisfaction that it meets the requirements of this section.

(2) Whenever the commission decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the commission an itemization of its fees and other charges for providing underwriting services on the issue. The itemization shall be by categories designed by the commission. The commission shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the commission shall consider the underwriter's fees and other charges and the public interest in achieving both savings in the total costs of underwriting services and issuance of bonds on terms most favorable to the commission.

[1983 c 161 § 10.]

RCW 43.180.110 Review of initial policies adopted under RCW 43.180.090 and 43.180.100--Adoption--Change.

Applicable Cases

The commission shall submit the initial policies adopted under RCW 43.180.090 and 43.180.100 to the chief clerk of the house and the secretary of the senate for transmittal to and review by the appropriate standing committees and the joint administrative rules review committee. By January 1, 1984 the commission shall have adopted policies in the form of rules and regulations under chapter 34.05 RCW. Such rules and regulations may only be changed or revised in accordance with chapter 34.05 RCW.

[1983 c 161 § 11.]

RCW 43.180.120 Rules for fair allocation of bond proceeds for nonrental single family housing.

Applicable Cases

The legislature recognizes that the demand for mortgage loans for nonrental single family housing will probably greatly exceed the supply of bond proceeds available to satisfy the demand. Therefore, the commission shall adopt rules providing procedures to assure that the bond proceeds available for that kind of housing shall be made available to qualified mortgagors in a fair and equitable manner.

[1983 c 161 § 12.]

RCW 43.180.130 Protection of bondholders--Mortgage insurance.

Applicable Cases

The commission is encouraged to adopt policies which will assure that bondholders will be protected against the failure to make mortgage payments financed under this chapter. Such policies may require, among other things, mortgage insurance.

[1983 c 161 § 13.]

RCW 43.180.140 Rules for energy efficiency.

Applicable Cases

The commission shall adopt rules providing for financing assistance to implement cost-effective energy efficiency improvements.

[1983 c 161 § 14.]

RCW 43.180.150 Bond issues--Terms--Issuance--Purchase, etc.

Applicable Cases

(1) The commission's bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, be registered or registrable in such manner, be made transferable, exchangeable, and interchangeable, be payable in such medium of payment, at such place or places, be subject to such terms of redemption, bear such fixed or variable rate or rates of interest, be payable at such time or times, and be sold in such manner and at such price or prices, as the commission determines. The bonds shall be executed by the chair, by either its duly elected secretary or its treasurer, and by the trustee or paying agent if the commission determines to use a trustee or paying agent for the bonds. Execution of the bonds may be by manual or facsimile signature.

(2) The bonds of the commission shall be subject to such terms, conditions, covenants, and protective provisions as are found necessary or desirable by the commission, including, but not limited to, pledges of the commission's assets, setting aside of reserves, limitations on additional forms of indebtedness, and the mortgaging of all or any part of the commission's real or personal property, then owned or thereafter acquired, and other provisions the commission finds are necessary or desirable for the security of bond holders.

(3) Any security interest created in the unexpended bond proceeds and in the special funds created by the commission shall be immediately valid and binding against such moneys and any securities in which such moneys may be invested without commission or trustee possession thereof, and the security interest shall be prior to any party having any competing claim in such moneys or securities, without filing or recording pursuant to chapter 62A.9 RCW and regardless of whether the party has notice of the security interest.

(4) When issuing bonds, the commission may provide for the future issuance of additional bonds or parity debt on a parity with outstanding bonds, and the terms and conditions of their issuance. The commission may refund or advance refund any bond of the commission in

accordance with chapter 39.53 RCW or issue bonds with a subordinate lien against the fund or funds securing outstanding bonds.

(5) The chair of the state finance committee or the chair's designee shall be notified in advance of the issuance of bonds by the commission in order to promote the orderly offering of obligations in the financial markets.

(6) The members of the commission and any person executing the bonds are not liable personally on the indebtedness or subject to any personal liability or accountability by reason of the issuance thereof.

(7) The commission may, out of any fund available therefor, purchase its bonds in the open market.

[1983 c 161 § 15.]

RCW 43.180.160 Debt limitation.

Applicable Cases

The total amount of outstanding indebtedness of the commission may not exceed three billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

[1999 c 131 § 2; 1996 c 310 § 2; 1986 c 264 § 2; 1983 c 161 § 16.]

RCW 43.180.170 Bond issues--Disposition of proceeds--Special fund.

Applicable Cases

Proceeds from the sale of all bonds issued under this chapter received by the commission shall be deposited forthwith by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, in a special fund or funds established for the particular purposes for which the bonds were issued and sold, which money shall not be funds of the state of Washington. Such fund or funds shall at all times be segregated and set apart from all other funds and held in trust for the purposes for which such bonds were issued as determined by the commission. Money other than bond sale proceeds received by the commission for these same purposes, such as private contributions or grants from the federal government, may be deposited in such fund or funds. Proceeds received from the sale of the bonds may also be used to defray the expenses of the commission in connection with and incidental to the issuance and sale of bonds, as well as expenses for studies, surveys, estimates, plans, inspections, and examinations of or incidental to the purposes for which the bonds were issued, and other costs advanced therefor by third parties or by the commission. In lieu of the commission receiving and handling these moneys in the manner outlined in this section, the commission may appoint trustees, depositaries, paying agents, and other financial institutions within or without the state to perform the functions outlined and to receive, hold, disburse,

invest, and reinvest such funds on its behalf and for the protection of the bondholders.

[1983 c 161 § 17.]

RCW 43.180.180 Bond issues--Disposition of revenues--Special trust fund.

Applicable Cases

All revenues received by the commission including funds received from contributions or grants or in any other form to pay principal of and interest on bonds or for other bond requirements such as reserves shall be deposited by the commission in any trust company, savings bank, savings and loan association, or bank having the powers of a trust company within or without the state, to the credit of a special trust fund or funds. The commission may establish a bond fund or funds, and a reserve, sinking fund and other accounts therein, for payment of principal and interest and for other special requirements of the bonds as determined by the commission. In lieu of the commission receiving and handling these moneys as outlined in this section, the commission may appoint trustees, depositories, paying agents, and other financial institutions to perform the functions outlined and to receive, hold, disburse, invest, and reinvest such funds on its behalf and for the protection of the bondholders. Such revenues and funds, whether received and held by the commission or by others on its behalf, shall not be or constitute public funds of the state of Washington but at all times shall be kept segregated and apart from all other funds.

[1983 c 161 § 18.]

RCW 43.180.190 Legal investments.

Applicable Cases

Bonds issued under this chapter are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in obligations of the state may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivisions of the state for any purpose for which the deposit of bonds and other obligations of the state are now or may hereafter be authorized by law.

[1983 c 161 § 19.]

RCW 43.180.200 Internal revenue code.

Applicable Cases

For purposes of the code:

(1) The legislature reserves the right at any time to alter or change the structure, organization, programs, or activities of the commission and to terminate the commission, so long as the action does not impair any outstanding contracts entered into by the commission;

(2) Any net earnings of the commission beyond that necessary to retire its bonds and to carry out the purposes of this chapter shall not inure to the benefit of any person other than the state;

(3) Upon dissolution of the commission, title to all of its remaining property shall vest in the state;

(4) The commission constitutes the only housing finance agency of the state of Washington; and

(5) In order to take advantage of the maximum amount of tax exempt bonds for housing financing available pursuant to the code, any state ceiling with respect to housing shall be allocated in accordance with the following formula:

(a) Eighty percent of the state ceiling shall be allocated to the commission and twenty percent shall be allocated to the other issuing authorities in the state.

(b) The allocation to the issuing authorities other than the commission shall be distributed to such issuing authorities in amounts as determined following public notice by the department of community, trade, and economic development pursuant to rules promulgated by it. The distribution shall be in response to applications received from such issuing authorities and shall be based on the following factors: (i) The amount of housing to be made available by such applicant; (ii) the population within the jurisdiction of the applicant; (iii) coordination with other applicable federal and state housing programs; (iv) the likelihood of implementing the proposed financing during that year; and (v) consistency with the plan of the commission. On or before February 1 of each year, the department of community, trade, and economic development shall distribute the state ceiling allocation among such issuing authorities and any unused portion shall be added to the allocation of the commission. Each issuing authority other than the commission shall confirm its allocation distribution by providing to the department of community, trade, and economic development no later than June 1 a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood of the allocation distribution being fully used. Any portion of such allocation not so confirmed shall be added to the allocation of the commission on July 1. Prior to July 1, the commission shall provide written notice of the allocation decrease to the affected issuing authority. The reallocation shall not limit the authority of the commission to assign a portion of its allocation pursuant to subsection (5)(c) of this section.

(c) The commission may assign a portion of its allocation to another issuing agency.

[1995 c 399 § 99; 1986 c 264 § 3; 1985 c 6 § 15; 1984 c 28 § 1; 1983 c 161 § 20.]

RCW 43.180.220 Housing finance program--Mortgage financing--Investments--Flexible loan underwriting guidelines.

Applicable Cases

The commission, in cooperation with the department of community, trade, and economic development, and the state investment board, shall develop and implement a housing finance program that:

(1) Provides subsidized or unsubsidized mortgage financing for single-family home

ownership, including a single condominium unit, located in the state of Washington;

(2) Requests the state investment board to make investments, within its policies and investment guidelines, in mortgage-backed securities that are collateralized by loans made within the state of Washington; and

(3) Provides flexible loan underwriting guidelines, including but not limited to provisions that will allow reduced downpayment requirements for the purchaser.

[1994 c 235 § 1.]

Notes:

Severability--1994 c 235: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 235 § 4.]

RCW 43.180.230 Housing finance program--Program elements.

Applicable Cases

The housing finance program developed under RCW 43.180.220 shall:

(1) Be limited to borrowers with incomes that do not exceed one hundred fifteen percent of the state or county median family income, whichever is higher, adjusted for family size;

(2) Be limited to first-time home buyers as defined in RCW 43.185A.010;

(3) Be targeted so that priority is given to low-income households as defined in RCW 43.185A.010;

(4) To the extent funds are made available, provide either downpayment or closing costs assistance to households eligible for assistance under chapter 43.185A RCW and this chapter; and

(5) Provide notification to active participants of the state retirement systems managed by the department of retirement systems under chapter 41.50 RCW.

[1994 c 235 § 2.]

Notes:

Severability--1994 c 235: See note following RCW 43.180.220.

RCW 43.180.240 Housing finance program--Report to legislature annually--Implementation.

Applicable Cases

(1) The commission shall submit to the legislature in its annual report a summary of the progress of the housing finance program developed under RCW 43.180.220. The report shall include, but not be limited to the number of loans made and location of property financed under RCW 43.180.220 and 43.180.230.

(2) The commission shall take such steps as are necessary to ensure that RCW 43.180.220 and 43.180.230 are implemented on June 9, 1994.

[1994 c 235 § 3.]

Notes:

Severability--1994 c 235: See note following RCW 43.180.220.

NONPROFIT CORPORATION FACILITIES

RCW 43.180.300 Definitions.

Applicable Cases

As used in RCW 43.180.310 through 43.180.360, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Construction" or "construct" means construction and acquisition, whether by device, purchase, gift, lease, or otherwise.

(2) "Facilities" means land, rights in land, buildings, structures, equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(3) "Financing document" means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(4) "Improvement" means reconstruction, remodeling, rehabilitation, extension, and enlargement. "To improve" means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(5) "Nonprofit corporation" means a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code, or similar successor provisions.

(6) "Nonprofit facilities" means facilities owned or used by a nonprofit corporation for any nonprofit activity described under section 501(c)(3) of the Internal Revenue Code that qualifies such a corporation for an exemption from federal income taxes under section 501(a) of the Internal Revenue Code, or similar successor provisions provided that facilities which may be funded pursuant to chapter 28B.07, 35.82, 43.180, or 70.37 RCW shall not be included in this definition.

(7) "Project costs" means costs of (a) acquisition, construction, and improvement of any facilities included in a nonprofit facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of a nonprofit facility, including costs of studies assessing the feasibility of a nonprofit facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(8) "Revenue bond" means a taxable or tax-exempt nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of providing financing to a nonprofit corporation on an interim or permanent basis.

(9) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower

under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

[1997 c 44 § 1; 1990 c 167 § 2.]

RCW 43.180.310 Commission powers.

Applicable Cases

The commission has the following powers with respect to nonprofit facilities together with all powers incidental thereto or necessary for the performance thereof:

(1) To make secured loans to nonprofit corporations for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any nonprofit facility, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for the project costs of a nonprofit corporation; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its commissioners consider advisable which are not in conflict with this subchapter;

(2) To issue revenue bonds for the purpose of financing all or part of the project cost of any nonprofit facility and to secure the payment of the revenue bonds as provided in this subchapter;

(3) To collect fees or charges from users or prospective users of nonprofit facilities to recover actual or anticipated administrative costs;

(4) To execute financing documents incidental to the powers enumerated in this section;

(5) To accept grants and gifts;

(6) To establish such special funds with any financial institution providing fiduciary services within or without the state as it deems necessary and appropriate and invest money therein.

[1990 c 167 § 3.]

RCW 43.180.320 Revenue bonds.

Applicable Cases

(1) The proceeds of the revenue bonds of each issue shall be used solely for the purposes set forth in this subchapter and shall be disbursed in such manner and under such restrictions, if any, provided in the resolution authorizing the issuance of the revenue bonds or in the trust agreement securing the bonds. If the proceeds of the revenue bonds of any series issued with respect to the cost of any nonprofit facility exceeds the cost of the nonprofit facility for which issued, the surplus shall be deposited to the credit of the debt service fund for the revenue bonds or used to purchase the revenue bonds in the open market.

(2) The commission may issue interim notes in the manner provided for the issuance of revenue bonds to fund nonprofit facilities prior to issuing other revenue bonds to fund such facilities. The commission may issue revenue bonds to fund nonprofit facilities that are exchangeable for other revenue bonds, when these other revenue bonds are executed and available for delivery.

(3) The principal of and interest on any revenue bonds issued by the commission shall be

secured by a pledge of unexpended bond proceeds and the revenues and receipts derived from the nonprofit facilities funded by the revenue bonds pursuant to financing documents. The resolution under which the revenue bonds are authorized to be issued and any financing document may contain agreements and provisions respecting the maintenance or use of the nonprofit facility covered thereby, the fixing and collection of rents, purchase price payments or loan payments, the creation and maintenance of special funds from such revenues or from revenue bond proceeds, the rights and remedies available in the event of default, and other provisions relating to the security for the bonds, all as the commission considers advisable which are not in conflict with this subchapter.

(4) All revenue bonds issued under this subchapter and any interest coupons applicable thereto are negotiable instruments within the meaning of Article 8 of the uniform commercial code, Title 62A RCW, regardless of form or character.

(5) Notwithstanding subsection (1) of this section, such bonds and interim notes may be issued and sold in accordance with chapter 39.46 RCW.

[1990 c 167 § 4.]

RCW 43.180.330 Revenue refunding bonds.

Applicable Cases

The commission may provide by resolution for the issuance of revenue refunding bonds for the purpose of refunding any obligations issued for a nonprofit facility, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption or maturity of the revenue bonds and, if considered advisable by the commission, for the additional purpose of financing improvements, extensions, or enlargements to the nonprofit facility for another nonprofit facility. The issuance of the revenue refunding bonds, the maturities and other details thereof, the rights of the owners thereof, and the rights, duties, and obligations of the commission in respect to the same shall be governed by this chapter insofar as applicable.

[1990 c 167 § 5.]

RCW 43.180.340 Trust agreements.

Applicable Cases

Any bonds issued under this subchapter may be secured by a trust agreement between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may evidence a pledge or assignment of the financing documents and lease, sale, or loan revenues to be received from a lessee or purchaser of or borrower with respect to a nonprofit facility for the payment of principal of and interest and any premium on the bonds as the same shall become due and payable and may provide for creation and maintenance of reserves for these purposes. A trust agreement or resolution providing for the issuance of the revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondowners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties in relation to the acquisition of property and the construction, improvement, maintenance, use, repair, operation,

and insurance of the nonprofit facility for which the bonds are authorized, and the custody, safeguarding, and application of all money. Any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of revenue bonds or of revenues may furnish such indemnifying bonds or pledge such securities as may be required by the commission. A trust agreement may set forth the rights and remedies of the bondowners and of the trustee and may restrict the individual right of action by bondowners as is customary in trust agreements or trust indentures securing bonds and debentures of private corporations. In addition, a trust agreement may contain such provisions as the commission considers reasonable and proper for the security of the bondowners which are not in conflict with this subchapter.

[1990 c 167 § 6.]

RCW 43.180.350 Lessees or assignees.

Applicable Cases

A lessee or contracting party under a sale contract or loan agreement shall not be required to be the eventual user of a nonprofit facility if any sublessee or assignee assumes all of the obligations of the lessee or contracting party under the lease, sale contract, or loan agreement, but the lessee or contracting party or their successors shall remain primarily liable for all of its obligations under the lease, sale contract, or loan agreement and the use of the nonprofit facility shall be consistent with the purposes of this subchapter.

[1990 c 167 § 7.]

RCW 43.180.360 Default.

Applicable Cases

The proceedings authorizing any revenue bonds under this subchapter or any financing document securing the revenue bonds may provide that if there is a default in the payment of the principal of or the interest on the bonds or in the performance of any agreement contained in the proceedings or financing document, the payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents, purchase price payments, and loan repayments, and to apply the revenues from the nonprofit facility in accordance with the proceedings or provisions of the financing document. Any financing document entered into under this subchapter may also provide that if there is a default in the payment thereof or a violation of any agreement contained in the financing document, the nonprofit facility may be foreclosed and sold under proceedings in equity or in any other manner now or hereafter permitted by law. Any financing document may also provide that any trustee under the financing document or the holder of any revenue bonds secured thereby may become the purchaser at any foreclosure sale if it is the highest bidder.

[1990 c 167 § 8.]

RCW 43.180.900 Conflict with federal requirements.

Applicable Cases

If any part of this chapter is found to be in conflict with federal requirements which are a

prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1983 c 161 § 21.]

RCW 43.180.901 Liberal construction.

Applicable Cases

This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof.

[1983 c 161 § 23.]

RCW 43.180.902 Captions not part of law.

Applicable Cases

As used in this chapter and RCW 82.04.408, section captions constitute no part of the law.

[1983 c 161 § 24.]

RCW 43.180.903 Severability--1983 c 161.

Applicable Cases

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

[1983 c 161 § 31.]

RCW 43.180.904 Effective dates--1983 c 161.

Applicable Cases

(1) Except as provided in subsection (2) of this section, this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Section 10 of this act shall take effect on January 1, 1984.

[1983 c 161 § 32.]

Notes:

Reviser's note: "Section 10 of this act" consists of the enactment of RCW 43.180.100. With the exception of section 10, the effective date of this act is May 11, 1983.

Chapter 43.185 RCW

HOUSING ASSISTANCE PROGRAM

RCW

43.185.010	Findings.
43.185.015	Housing assistance program.
43.185.020	Definitions.
43.185.030	Washington housing trust fund.
43.185.050	Use of moneys for loans and grant projects to provide housing--Eligible activities.
43.185.060	Eligible organizations.
43.185.070	Notice of grant and loan application period--Priorities--Criteria for evaluation.
43.185.074	Low-income housing grants and loans--Applications.
43.185.076	Low-income housing grants and loans--Approval--License education programs.
43.185.080	Preconstruction technical assistance.
43.185.090	Compliance monitoring.
43.185.100	Rule-making authority.
43.185.110	Affordable housing advisory board--State housing needs.
43.185.120	Protection of state's interest.
43.185.900	Severability--1986 c 298.
43.185.910	Conflict with federal requirements--1991 c 356.
43.185.911	Severability--1991 c 356.

Notes:

Donations of surplus state property: RCW 43.19.1920.

Funding: RCW 43.79.201 and 79.01.007.

RCW 43.185.010 Findings.

Applicable Cases

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as the mentally ill, recovering alcoholics, frail elderly persons, families with members who have disabilities, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority and that whenever feasible, assistance should be in the form of loans.

[1991 c 356 § 1; 1986 c 298 § 1.]

RCW 43.185.015 Housing assistance program.

Applicable Cases

There is created within the department the housing assistance program to carry out the purposes of this chapter.

[1995 c 399 § 100; 1991 c 356 § 2.]

RCW 43.185.020 Definitions.

Applicable Cases

"Department" means the department of community, trade, and economic development. "Director" means the director of the department of community, trade, and economic development.

[1995 c 399 § 101; 1986 c 298 § 3.]

RCW 43.185.030 Washington housing trust fund.

Applicable Cases

There is hereby created in the state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources.

[1991 sp.s. c 13 § 87; 1991 c 356 § 3; 1987 c 513 § 6; 1986 c 298 § 2.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

Distribution of interest from real estate brokers' trust accounts: RCW 18.85.310.

RCW 43.185.050 Use of moneys for loans and grant projects to provide housing--Eligible activities.

Applicable Cases

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the

department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2) (b) and (c) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the housing assistance program.

[1994 c 160 § 1; 1991 c 356 § 4; 1986 c 298 § 6.]

RCW 43.185.060 Eligible organizations.

Applicable Cases

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, regional support networks established under chapter 71.24 RCW, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

[1994 c 160 § 2; 1991 c 295 § 1; 1986 c 298 § 7.]

RCW 43.185.070 Notice of grant and loan application period--Priorities--Criteria for evaluation.

Applicable Cases

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed four percent of annual revenues available for distribution to housing trust fund projects. In awarding funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;
- (c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- (d) Local government project contributions in the form of infrastructure improvements, and others;
- (e) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- (f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) Projects which demonstrate serving the greatest need;

(i) Projects that provide housing for persons and families with the lowest incomes;

(j) Projects serving special needs populations which are under statutory mandate to develop community housing;

(k) Project location and access to employment centers in the region or area;

(l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and

(m) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

[1994 sp.s. c 3 § 9. Prior: 1991 c 356 § 5; 1991 c 295 § 2; 1988 c 286 § 1; 1986 c 298 § 8.]

RCW 43.185.074 Low-income housing grants and loans--Applications.

Applicable Cases

The director shall designate grant and loan applications for approval and for funding under the revenue from remittances made pursuant to RCW 18.85.310. These applications shall then be reviewed for final approval by the broker's trust account board created by *RCW 18.85.500.

The director shall submit to the broker's trust account board within any fiscal year only such applications which in their aggregate total funding requirements do not exceed the revenue to the housing trust found from remittances made pursuant to RCW 18.85.310 for the previous fiscal year.

[1987 c 513 § 11. Formerly RCW 18.85.505.]

Notes:

***Reviser's note:** RCW 18.85.500 was repealed by 1994 sp.s. c 9 § 857, effective July 1, 1994.

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.076 Low-income housing grants and loans--Approval--License education programs.

Applicable Cases

The broker's trust account board shall review grant and loan applications placed before it by the director for final approval pursuant to RCW 43.185.074.

The decisions of the board shall be subject to the provisions of RCW 43.185.050, 43.185.060, and 43.185.070 with regard to eligible activities, eligible recipients, and criteria for evaluation.

The broker's trust account board shall serve in an advisory capacity to the real estate commission with regard to licensee education programs established pursuant to RCW 18.85.040 and 18.85.220.

[1988 c 286 § 3; 1987 c 513 § 10. Formerly RCW 18.85.510.]

Notes:

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.080 Preconstruction technical assistance.

Applicable Cases

(1) The department may use moneys from the housing trust fund and other legislative appropriations, but not appropriations from capital bond proceeds, to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The department may contract with nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

- (a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;
- (b) Project design, architectural planning, and siting;
- (c) Compliance with planning requirements;
- (d) Securing matching resources for project development;
- (e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;
- (f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;
- (g) Construction and materials management; and
- (h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs.

[1991 c 356 § 6; 1986 c 298 § 9.]

RCW 43.185.090 Compliance monitoring.

Applicable Cases

The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

[1986 c 298 § 10.]

RCW 43.185.100 Rule-making authority.

Applicable Cases

The department shall have the authority to promulgate rules pursuant to chapter 34.05

RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter. The department shall consider the recommendations of cities and counties regarding how the funds shall be used in their geographic areas.

[1987 c 513 § 2; 1986 c 298 § 11.]

Notes:

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.110 Affordable housing advisory board--State housing needs.

Applicable Cases

The affordable housing advisory board established in RCW 43.185B.020 shall advise the director on housing needs in this state, including housing needs for persons who are mentally ill or developmentally disabled or youth who are blind or deaf or otherwise disabled, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter. Such advice shall be consistent with policies and plans developed by regional support networks according to chapter 71.24 RCW for the mentally ill and the developmental disabilities planning council for the developmentally disabled.

[1993 c 478 § 15; 1991 c 204 § 4; 1987 c 513 § 3.]

Notes:

Effective date--Severability--1987 c 513: See notes following RCW 18.85.310.

RCW 43.185.120 Protection of state's interest.

Applicable Cases

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW 43.185.050(2) (a), (i), and (j). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

[1991 c 356 § 7.]

RCW 43.185.900 Severability--1986 c 298.

Applicable Cases

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

[1986 c 298 § 13.]

RCW 43.185.910 Conflict with federal requirements--1991 c 356.

Applicable Cases

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1991 c 356 § 8.]

RCW 43.185.911 Severability--1991 c 356.

Applicable Cases

See RCW 43.185A.901.

**Chapter 43.185A RCW
AFFORDABLE HOUSING PROGRAM**

RCW

43.185A.010	Definitions.
43.185A.020	Affordable housing program--Purpose--Input.
43.185A.030	Activities eligible for assistance.
43.185A.040	Eligible organizations.
43.185A.050	Grant and loan application process.
43.185A.060	Protection of state interest.
43.185A.070	Monitor recipient activities.
43.185A.080	Rules.
43.185A.900	Short title.
43.185A.901	Severability--1991 c 356.
43.185A.902	Conflict with federal requirements--1991 c 356.

RCW 43.185A.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living

together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

[1995 c 399 § 102; 1991 c 356 § 10.]

RCW 43.185A.020 Affordable housing program--Purpose--Input.

Applicable Cases

The affordable housing program is created in the department for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the affordable housing advisory board established in RCW 43.185B.020.

[1995 c 399 § 103; 1993 c 478 § 16; 1991 c 356 § 11.]

RCW 43.185A.030 Activities eligible for assistance.

Applicable Cases

(1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program.

[1994 c 160 § 3; 1991 c 356 § 12.]

RCW 43.185A.040 Eligible organizations.

Applicable Cases

Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, federally recognized Indian tribes in the state of Washington, and regional or state-wide nonprofit housing assistance organizations.

Eligibility for assistance from the department under this chapter also requires compliance with the revenue and taxation laws, as applicable to the recipient, at the time the grant is made.

[1994 c 160 § 4; 1991 c 356 § 13.]

RCW 43.185A.050 Grant and loan application process.

Applicable Cases

(1) During each calendar year in which funds are available for use by the department for the affordable housing program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed five percent of moneys appropriated to the affordable housing program.

(2) The department shall develop, with advice and input from the *low-income [housing] assistance advisory committee established in RCW 43.185.110, criteria to evaluate applications for assistance under this chapter.

[1991 c 356 § 14.]

Notes:

***Reviser's note:** The "low-income housing assistance advisory committee" has been abolished and its powers, duties, and functions transferred to the affordable housing advisory board.

RCW 43.185A.060 Protection of state interest.

Applicable Cases

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW 43.185A.030(2) (a), (b), (c), (d), and (e). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

[1991 c 356 § 15.]

RCW 43.185A.070 Monitor recipient activities.

Applicable Cases

The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

[1991 c 356 § 16.]

RCW 43.185A.080 Rules.

Applicable Cases

The department shall have the authority to promulgate rules pursuant to chapter 34.05 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter.

[1991 c 356 § 17.]

RCW 43.185A.900 Short title.

Applicable Cases

This chapter may be known and cited as the affordable housing act.

[1991 c 356 § 9.]

RCW 43.185A.901 Severability--1991 c 356.

Applicable Cases

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

[1991 c 356 § 18.]

RCW 43.185A.902 Conflict with federal requirements--1991 c 356.

Applicable Cases

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1991 c 356 § 19.]

**Chapter 43.185B RCW
WASHINGTON HOUSING POLICY ACT**

RCW

43.185B.005	Finding.
43.185B.007	Goal.
43.185B.009	Objectives.
43.185B.010	Definitions.
43.185B.020	Affordable housing advisory board--Generally.
43.185B.030	Affordable housing advisory board--Duties.
43.185B.040	Housing advisory plan--Report to legislature.
43.185B.900	Short title.

RCW 43.185B.005 Finding.

Applicable Cases

- (1) The legislature finds that:
 - (a) Housing is of vital state-wide importance to the health, safety, and welfare of the residents of the state;
 - (b) Safe, affordable housing is an essential factor in stabilizing communities;
 - (c) Residents must have a choice of housing opportunities within the community where they choose to live;
 - (d) Housing markets are linked to a healthy economy and can contribute to the state's economy;
 - (e) Land supply is a major contributor to the cost of housing;
 - (f) Housing must be an integral component of any comprehensive community and economic development strategy;
 - (g) State and local government must continue working cooperatively toward the enhancement of increased housing units by reviewing, updating, and removing conflicting regulatory language;
 - (h) State and local government should work together in developing creative ways to reduce the shortage of housing;
 - (i) The lack of a coordinated state housing policy inhibits the effective delivery of housing for some of the state's most vulnerable citizens and those with limited incomes; and
 - (j) It is in the public interest to adopt a statement of housing policy objectives.
- (2) The legislature declares that the purposes of the Washington housing policy act are to:
 - (a) Provide policy direction to the public and private sectors in their attempt to meet the shelter needs of Washington residents;
 - (b) Reevaluate housing and housing-related programs and policies in order to ensure proper coordination of those programs and policies to meet the housing needs of Washington residents;
 - (c) Improve the delivery of state services and assistance to very low-income and low-income households and special needs populations;
 - (d) Strengthen partnerships among all levels of government, and the public and private sectors, including for-profit and nonprofit organizations, in the production and operation of housing to targeted populations including low-income and moderate-income households;
 - (e) Increase the supply of housing for persons with special needs;
 - (f) Encourage collaborative planning with social service providers;
 - (g) Encourage financial institutions to increase residential mortgage lending; and
 - (h) Coordinate housing into comprehensive community and economic development strategies at the state and local level.

[1993 c 478 § 1.]

Notes:

Persons with handicaps: RCW 35.63.220, 35A.63.240, 36.70.990, 36.70A.410.

RCW 43.185B.007 Goal.

Applicable Cases

It is the goal of the state of Washington to coordinate, encourage, and direct, when necessary, the efforts of the public and private sectors of the state and to cooperate and participate, when necessary, in the attainment of a decent home in a healthy, safe environment for every resident of the state. The legislature declares that attainment of that goal is a state priority.

[1993 c 478 § 2.]

RCW 43.185B.009 Objectives.

Applicable Cases

The objectives of the Washington housing policy act shall be to attain the state's goal of a decent home in a healthy, safe environment for every resident of the state by strengthening public and private institutions that are able to:

- (1) Develop an adequate and affordable supply of housing for all economic segments of the population;
- (2) Assist very low-income and special needs households who cannot obtain affordable, safe, and adequate housing in the private market;
- (3) Encourage and maintain home ownership opportunities;
- (4) Reduce life-cycle housing costs while preserving public health and safety;
- (5) Preserve the supply of existing affordable housing;
- (6) Provide housing for special needs populations;
- (7) Ensure fair and equal access to the housing market;
- (8) Increase the availability of mortgage credit at low interest rates; and
- (9) Coordinate and be consistent with the goals, objectives, and required housing element of the comprehensive plan in the state's growth management act in RCW 36.70A.070.

[1993 c 478 § 3.]

RCW 43.185B.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of community, trade, and economic development.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes

significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

[1995 c 399 § 104; 1993 c 478 § 4.]

RCW 43.185B.020 Affordable housing advisory board--Generally.

Applicable Cases

(1) The department shall establish the affordable housing advisory board to consist of twenty-one members.

(a) The following eighteen members shall be appointed by the governor:

- (i) Two representatives of the residential construction industry;
- (ii) Two representatives of the home mortgage lending profession;
- (iii) One representative of the real estate sales profession;
- (iv) One representative of the apartment management and operation industry;
- (v) One representative of the for-profit housing development industry;
- (vi) One representative of the nonprofit housing development industry;
- (vii) One representative of homeless shelter operators;
- (viii) One representative of lower-income persons;
- (ix) One representative of special needs populations;
- (x) One representative of public housing authorities as created under chapter 35.82 RCW;
- (xi) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;
- (xii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;
- (xiii) One representative to serve as chair of the affordable housing advisory board;
- (xiv) One representative at large.

(b) The following three members shall serve as ex officio, nonvoting members:

- (i) The director or the director's designee;
- (ii) The executive director of the Washington state housing finance commission or the executive director's designee; and
- (iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of

appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

[1993 c 478 § 5.]

RCW 43.185B.030 Affordable housing advisory board--Duties.

Applicable Cases

The affordable housing advisory board shall:

(1) Analyze those solutions and programs that could begin to address the state's need for housing that is affordable for all economic segments of the state, and special needs populations, including but not limited to programs or proposals which provide for:

(a) Financing for the acquisition, rehabilitation, preservation, or construction of housing;

(b) Use of publicly owned land and buildings as sites for affordable housing;

(c) Coordination of state initiatives with federal initiatives and financing programs that are referenced in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended, and development of an approved housing strategy as required in the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.), as amended;

(d) Identification and removal, where appropriate and not detrimental to the public health and safety, or environment, of state and local regulatory barriers to the development and placement of affordable housing;

(e) Stimulating public and private sector cooperation in the development of affordable housing; and

(f) Development of solutions and programs affecting housing, including the equitable geographic distribution of housing for all economic segments, as the advisory board deems necessary;

(2) Consider both homeownership and rental housing as viable options for the provision

of housing. The advisory board shall give consideration to various types of residential construction and innovative housing options, including but not limited to manufactured housing;

(3) Review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives including but not limited to tax policies, land use policies, and financing programs. The advisory board shall provide recommendations to the director, along with the department's response in the annual housing report to the legislature required in RCW 43.185B.040; and

(4) Prepare and submit to the director, by each December 1st, beginning December 1, 1993, a report detailing its findings and make specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

[1993 c 478 § 6.]

RCW 43.185B.040 Housing advisory plan--Report to legislature.

Applicable Cases

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, prepare and from time to time amend a five-year housing advisory plan. The purpose of the plan is to document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs, to facilitate planning to meet the affordable housing needs of the state, and to enable the development of sound strategies and programs for affordable housing. The information in the five-year housing advisory plan must include:

- (a) An assessment of the state's housing market trends;
- (b) An assessment of the housing needs for all economic segments of the state and special needs populations;
- (c) An inventory of the supply and geographic distribution of affordable housing units made available through public and private sector programs;
- (d) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state;
- (e) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; and
- (f) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state.

(2)(a) The five-year housing advisory plan required under subsection (1) of this section must be submitted to the legislature on or before February 1, 1994, and subsequent plans must be submitted every five years thereafter.

(b) Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs.

[1993 c 478 § 12.]

RCW 43.185B.900 Short title.

Applicable Cases

This chapter may be known and cited as the "Washington housing policy act."

[1993 c 478 § 24.]

**Chapter 43.190 RCW
LONG-TERM CARE OMBUDSMAN PROGRAM**

43.190.010	Findings.
43.190.020	"Long-term care facility" defined.
43.190.030	Office of state long-term care ombudsman created--Powers and duties--Rules.
43.190.040	Long-term care ombudsmen.
43.190.050	Posting of notice by long-term care facility--Distribution of information to residents.
43.190.060	Duties of ombudsman.
43.190.065	Local and state long-term care ombudsmen--Duties and authority in federal older Americans act.
43.190.070	Referral procedures--Action on complaints.
43.190.080	Development of procedures on right of entry to facilities--Access to residents--Preservation of rights.
43.190.090	Liability of ombudsman--Discriminatory, disciplinary, or retaliatory actions--Communications privileged--Testimony.
43.190.110	Confidentiality of records and files--Disclosures prohibited--Exception.
43.190.120	Expenditure of funds on long-term care ombudsman program.
43.190.900	Severability--1983 c 290.

RCW 43.190.010 Findings.

Applicable Cases

The legislature finds that in order to comply with the federal Older Americans Act and to effectively assist residents, patients, and clients of long-term care facilities in the assertion of their civil and human rights, a long-term care ombudsman program should be instituted.

[1983 c 290 § 1.]

RCW 43.190.020 "Long-term care facility" defined.

Applicable Cases

As used in this chapter, "long-term care facility" means any of the following:

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which

provides nursing facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

[1995 1st sp.s. c 18 § 32; 1991 sp.s. c 8 § 3; 1983 c 290 § 2.]

Notes:

Conflict with federal requirements--Severability--Effective date--1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Effective date--1991 sp.s. c 8: See note following RCW 18.51.050.

RCW 43.190.030 Office of state long-term care ombudsman created--Powers and duties--Rules.

Applicable Cases

There is created the office of the state long-term care ombudsman. The department of community, trade, and economic development shall contract with a private nonprofit organization to provide long-term care ombudsman services as specified under, and consistent with, the federal older Americans act as amended, federal mandates, the goals of the state, and the needs of its citizens. The department of community, trade, and economic development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of residents, patients, and clients of all long-term care facilities is provided by the nonprofit organization that contracts to provide long-term care ombudsman services. The department of community, trade, and economic development shall adopt rules to carry out this chapter and the long-term care ombudsman provisions of the federal older Americans act, as amended, and applicable federal regulations. The long-term care ombudsman program shall have the following powers and duties:

(1) To provide services for coordinating the activities of long-term care ombudsmen throughout the state;

(2) Carry out such other activities as the department of community, trade, and economic development deems appropriate;

(3) Establish procedures consistent with RCW 43.190.110 for appropriate access by long-term care ombudsmen to long-term care facilities and patients' records, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;

(4) Establish a state-wide uniform reporting system to collect and analyze data relating to complaints and conditions in long-term care facilities for the purpose of identifying and resolving significant problems, with provision for submission of such data to the department of social and health services and to the federal department of health and human services, or its successor agency, on a regular basis; and

(5) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of any complainant or resident of a long-term care facility shall not be disclosed by such ombudsman unless:

- (a) Such complainant or resident, or the complainant's or resident's legal representative, consents in writing to such disclosure; or
- (b) Such disclosure is required by court order.

[1997 c 194 § 1; 1995 c 399 § 105; 1988 c 119 § 2; 1983 c 290 § 3.]

Notes:

Effective date--1988 c 119 § 2: "Section 2 of this act shall take effect July 1, 1989." [1988 c 119 § 5.]

Legislative findings--1988 c 119: "The legislature recognizes that the state long-term care ombudsman program and the office of the state long-term care ombudsman, located within the department of social and health services, have brought into serious question the ability of that office to serve as an effective mechanism on the state level for investigating and resolving complaints made by or on behalf of residents of long-term care facilities.

The legislature further finds it necessary to exercise its options under the federal older Americans act and identify an organization, outside of the department of social and health services and independent of any other state agency, to provide, through contract, long-term care ombudsman services." [1988 c 119 § 1.]

Survey--1988 c 119: "The committee on health care of the house of representatives shall conduct a survey and analysis of the appropriate placement outside of state government of the office of the state long-term care ombudsman. The survey shall ascertain how the contracted placement of the office will most effectively allow it to meet its responsibilities under chapter 43.190 RCW. A draft of the findings shall be submitted to the governor and the legislature before the first Friday in November 1988 and the final findings, conclusions, and recommendations shall be submitted in a report to the governor and the legislature no later than December 30, 1988.

The survey required shall include, but is not limited to, a complete assessment of how independently contracting the program outside state government will provide the office with an effective means for resolving complaints and building program accountability and integrity facilitating local involvement and contributing to long-term care policy development. The study shall also clearly identify and describe how this model for administering the duties and responsibilities of the ombudsman will affect the ability of the office to function as mandated under the federal older Americans act, and provide suggestions that will assist the office to coordinate information and assistance, to the fullest degree possible, with citizen groups, the general public, the nursing home industry, and local volunteer programs. The survey shall further specify the operational program details necessary for adopting the proposed independently contracted plan." [1988 c 119 § 3.]

Use of survey findings--1988 c 119: "The survey findings, together with any reports of legislative committees in response to such survey, shall be used by the department of community development in determining the best manner to contract for and provide long-term care ombudsman services." [1988 c 119 § 4.]

RCW 43.190.040 Long-term care ombudsmen.

Applicable Cases

(1) Any long-term care ombudsman authorized by this chapter or a local governmental authority shall have training or experience or both in the following areas:

- (a) Gerontology, long-term care, or other related social services programs.
- (b) The legal system.
- (c) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

(2) A long-term care ombudsman shall not have been employed by any long-term care

facility within the past three years.

(3) No long-term care ombudsman or any member of his or her immediate family shall have, or have had within the past three years, any pecuniary interest in the provision of long-term health care facilities.

[1983 c 290 § 4.]

RCW 43.190.050 Posting of notice by long-term care facility--Distribution of information to residents.

Applicable Cases

Every long-term care facility shall post in a conspicuous location a notice of the nursing home complaint toll-free number and the name, address, and phone number of the office of the appropriate long-term care ombudsman and a brief description of the services provided by the office. The form of the notice shall be approved by the office and the organization responsible for maintaining the nursing home complaint toll-free number. This information shall also be distributed to the residents, family members, and legal guardians upon the resident's admission to the facility.

[1983 c 290 § 5.]

RCW 43.190.060 Duties of ombudsman.

Applicable Cases

A long-term care ombudsman shall:

(1) Identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities relating to administrative action, inaction, or decisions which may adversely affect the health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to long-term care facilities in this state;

(3) Provide information as appropriate to residents, resident representatives, and others regarding the rights of residents, and to public agencies regarding the problems of individuals residing in long-term care facilities; and

(4) Provide for training volunteers and promoting the development of citizen organizations to participate in the ombudsman program. A trained volunteer long-term care ombudsman, in accordance with the policies and procedures established by the state long-term care ombudsman program, shall inform residents, their representatives, and others about the rights of residents, and may identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions, that may adversely affect the health, safety, welfare, and rights of these individuals.

Nothing in chapter 133, Laws of 1999 shall be construed to empower the state long-term care ombudsman or any local long-term care ombudsman with statutory or regulatory licensing or sanctioning authority.

[1999 c 133 § 1; 1995 1st sp.s. c 18 § 33; 1987 c 158 § 3; 1983 c 290 § 6.]

Notes:

Severability--1999 c 133: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 133 § 3.]

Effective date--1999 c 133: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 28, 1999]." [1999 c 133 § 4.]

Conflict with federal requirements--Severability--Effective date--1995 1st sp.s. c 18: See notes following RCW 74.39A.030.

Definitions: See RCW 74.39.007.

RCW 43.190.065 Local and state long-term care ombudsmen--Duties and authority in federal older Americans act.

Applicable Cases

A local long-term care ombudsman, including a trained volunteer long-term care ombudsman, shall have the duties and authority set forth in the federal older Americans act (42 U.S.C. Sec. 3058 et seq.) for local ombudsmen. The state long-term care ombudsman and representatives of the office of the state long-term care ombudsman, shall have the duties and authority set forth in the federal older Americans act for the state long-term care ombudsman and representatives of the office of the state long-term care ombudsman.

[1999 c 133 § 2.]

Notes:

Severability--Effective date--1999 c 133: See notes following RCW 43.190.060.

RCW 43.190.070 Referral procedures--Action on complaints.

Applicable Cases

(1) The office of the state long-term care ombudsman shall develop referral procedures for all long-term care ombudsman programs to refer any complaint to any appropriate state or local government agency. The department of social and health services shall act as quickly as possible on any complaint referred to them by a long-term care ombudsman.

(2) The department of social and health services shall respond to any complaint against a long-term care facility which was referred to it by a long-term care ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

[1983 c 290 § 7.]

RCW 43.190.080 Development of procedures on right of entry to facilities--Access to residents--Preservation of rights.

Applicable Cases

(1) The office of the state long-term care ombudsman shall develop procedures governing the right of entry of all long-term care ombudsmen to long-term care facilities and shall have access to residents with provisions made for privacy for the purpose of hearing, investigating, and resolving complaints of, and rendering advice to, individuals who are patients or residents of

the facilities at any time deemed necessary and reasonable by the state ombudsman to effectively carry out the provisions of this chapter.

(2) Nothing in this chapter restricts, limits, or increases any existing right of any organizations or individuals not described in subsection (1) of this section to enter or provide assistance to patients or residents of long-term care facilities.

(3) Nothing in this chapter restricts any right or privilege of any patient or resident of a long-term care facility to receive visitors of his or her choice.

[1983 c 290 § 8.]

RCW 43.190.090 Liability of ombudsman--Discriminatory, disciplinary, or retaliatory actions--Communications privileged--Testimony.

Applicable Cases

(1) No long-term care ombudsman is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any employee of a facility or agency, any patient, resident, or client of a long-term care facility, or any volunteer, for any communication made, or information given or disclosed, to aid the long-term care ombudsman in carrying out its duties and responsibilities, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by a long-term care ombudsman, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and that privilege shall serve as a defense to any action in libel or slander.

(4) A representative of the office is exempt from being required to testify in court as to any confidential matters except as the court may deem necessary to enforce this chapter.

[1983 c 290 § 9.]

RCW 43.190.110 Confidentiality of records and files--Disclosures prohibited--Exception.

Applicable Cases

All records and files of long-term care ombudsmen relating to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, or residents shall remain confidential unless disclosure is authorized by the patient or resident or his or her guardian or legal representative. No disclosures may be made outside the office without the consent of any named witnesses, resident, patient, client, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

[1983 c 290 § 11.]

RCW 43.190.120 Expenditure of funds on long-term care ombudsman program.

Applicable Cases

It is the intent that federal requirements be complied with and the department annually

expend at least one percent of the state's allotment of social services funds from Title III B of the Older Americans Act of 1965, as it exists as of July 24, 1983, or twenty thousand dollars, whichever is greater to establish the state long-term care ombudsman program established by this chapter if funds are appropriated by the legislature.

[1983 c 290 § 12.]

RCW 43.190.900 Severability--1983 c 290.

Applicable Cases

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

[1983 c 290 § 17.]

**Chapter 43.200 RCW
RADIOACTIVE WASTE ACT**

RCW

43.200.010	Finding--Purpose.
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43.200.020	Participation authority regarding federal statutes--Federal financial assistance.
43.200.030	Cooperation required.
43.200.040	Nuclear waste board created--Membership--Compensation and travel expenses.
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43.200.170	Waste disposal surcharges and penalty surcharges--Disposition.
43.200.180	Implementation of federal low-level radioactive waste policy amendments of 1985.
43.200.190	Studies on site closure and perpetual care and maintenance requirements and on adequacy of insurance coverage.
43.200.200	Review of potential damage--Financial assurance.
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43.200.233	Waste generator surcharge remittal to counties.
43.200.235	Disposal of waste generator surcharges.
43.200.900	Construction of chapter.
43.200.901	Conflict with federal requirements--1983 1st ex.s. c 19.
43.200.902	Severability--1983 1st ex.s. c 19.
43.200.903	Severability--1984 c 161.
43.200.905	Construction--1986 c 191.
43.200.906	Severability--1986 c 191.

Notes:

Nuclear energy and radiation: Chapter 70.98 RCW.

RCW 43.200.010 Finding--Purpose.

Applicable Cases

The legislature finds that the safe transporting, handling, storage, or otherwise caring for radioactive wastes is required to protect the health, safety, and welfare of the citizens of the state of Washington. It is the purpose of this chapter to establish authority for the state to exercise appropriate oversight and care for the safe management and disposal of radioactive wastes; to consult with the federal government and other states on interim or permanent storage of these radioactive wastes; and to carry out the state responsibilities under the federal nuclear waste policy act of 1982.

[1983 1st ex.s. c 19 § 1.]

RCW 43.200.015 Definitions.

Applicable Cases

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

(2) "Low-level radioactive waste" means waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level waste does not include waste containing more than one hundred nanocuries of transuranic contaminants per gram of material, nor spent nuclear fuel, nor material classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under any applicable federal regulations.

(3) "Radioactive waste" means both high-level and low-level radioactive waste.

(4) "Spent nuclear fuel" means spent nuclear fuel as the term is defined in 42 U.S.C. Sec. 10101.

(5) "Department" means the department of ecology.

[1989 c 322 § 1; 1985 c 293 § 1; 1984 c 161 § 1.]

RCW 43.200.020 Participation authority regarding federal statutes--Federal financial assistance.

Applicable Cases

The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for expenses, salaries, travel, and monitoring and evaluating the program of repository

exploration and siting undertaken by the federal government.

[1989 c 322 § 2; 1984 c 161 § 2; 1983 1st ex.s. c 19 § 2.]

RCW 43.200.030 Cooperation required.

Applicable Cases

All departments, agencies, and officers of this state and its subdivisions shall cooperate with the department of ecology in the furtherance of any of its activities pursuant to this chapter.

[1989 c 322 § 3; 1984 c 161 § 4; 1983 1st ex.s. c 19 § 3.]

RCW 43.200.040 Nuclear waste board created--Membership--Compensation and travel expenses.

Applicable Cases

Notes:

Reviser's note: RCW 43.200.040 was amended by 1989 1st ex.s. c 9 § 219 without reference to its repeal by 1989 c 322 § 7, effective July 23, 1989. It has been decodified for publication purposes pursuant to RCW 1.12.025.

RCW 43.200.070 Rules.

Applicable Cases

The department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

[1989 c 322 § 5; 1986 c 2 § 5; 1984 c 161 § 8; 1983 1st ex.s. c 19 § 7.]

RCW 43.200.080 Additional powers and duties of director--Site closure account--Perpetual surveillance and maintenance account.

Applicable Cases

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement

and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service fund, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service fund, pursuant to RCW 43.08.190 shall be directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other

state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually.

[1999 c 372 § 12; 1991 sp.s. c 13 § 60; 1990 c 21 § 6; 1989 c 418 § 2; 1986 c 2 § 1; 1983 1st ex.s. c 19 § 8.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.
Suspension and reinstatement of site use permits: RCW 70.98.085.

RCW 43.200.170 Waste disposal surcharges and penalty surcharges--Disposition.

Applicable Cases

The governor may assess surcharges and penalty surcharges on the disposal of waste at the Hanford low-level radioactive waste disposal facility. The surcharges may be imposed up to the maximum extent permitted by federal law. Ten dollars per cubic foot of the moneys received under this section shall be transmitted monthly to the site closure account established under RCW 43.200.080. The rest of the moneys received under this section shall be deposited in the general fund.

[1990 c 21 § 3; 1986 c 2 § 3.]

RCW 43.200.180 Implementation of federal low-level radioactive waste policy amendments of 1985.

Applicable Cases

The department of ecology shall be the state agency responsible for implementation of the federal low-level radioactive waste policy amendments act of 1985, including:

- (1) Collecting and administering the surcharge assessed by the governor under RCW 43.200.170;
- (2) Collecting low-level radioactive waste data from disposal facility operators, generators, intermediate handlers, and the federal department of energy;
- (3) Developing and operating a computerized information system to manage low-level radioactive waste data;
- (4) Denying and reinstating access to the Hanford low-level radioactive waste disposal facility pursuant to the authority granted under federal law;
- (5) Administering and/or monitoring (a) the maximum waste volume levels for the Hanford low-level radioactive waste disposal facility, (b) reactor waste allocations, (c) priority allocations under the Northwest Interstate Compact on Low-Level Radioactive Waste Management, and (d) adherence by other states and compact regions to federal statutory deadlines; and
- (6) Coordinating the state's low-level radioactive waste disposal program with similar programs in other states.

[1998 c 245 § 81; 1986 c 2 § 4.]

RCW 43.200.190 Studies on site closure and perpetual care and maintenance requirements and on adequacy of insurance coverage.

Applicable Cases

The department of ecology shall perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility.

[1998 c 245 § 82; 1986 c 2 § 6.]

RCW 43.200.200 Review of potential damage--Financial assurance.

Applicable Cases

(1) The director of the department of ecology shall periodically review the potential for bodily injury and property damage arising from the transportation and disposal of commercial low-level radioactive waste under permits issued by the state.

(2) The director may require permit holders to demonstrate financial assurance in an amount that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property damage arising or growing out of the transportation or disposal of commercial low-level radioactive waste. The financial assurance may be in the form of insurance, cash deposits, surety bonds, corporate guarantees, and other acceptable instruments or guarantees determined by the director to be acceptable evidence of financial assurance.

(3) In making the determination of the appropriate level of financial assurance, the director shall consider:

(a) The nature and purpose of the activity and its potential for injury and damages to or claims against the state and its citizens;

(b) The current and cumulative manifested volume and radioactivity of waste being packaged, transported, buried, or otherwise handled;

(c) The location where the waste is being packaged, transported, buried, or otherwise handled, including the proximity to the general public and geographic features such as geology and hydrology, if relevant; and

(d) The legal defense cost, if any, that will be paid from the required financial assurance amount.

(4) The director may establish different levels of required financial assurance for various classes of permit holders.

(5) The director shall establish by rule the instruments or mechanisms by which a permit applicant or holder may demonstrate financial assurance as required by RCW 43.200.210.

[1998 c 245 § 83; 1992 c 61 § 1; 1990 c 82 § 1; 1986 c 191 § 1.]

RCW 43.200.210 Immunity of state--Demonstration of financial assurance--Suspension of

permit.

Applicable Cases

(1) The department of ecology shall require that any person who holds or applies for a permit under this chapter indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to or death of persons and property damage, arising or growing out of any operations and activities for which the person holds the permit, and any necessary or incidental operations.

(2) The department of ecology shall refuse to issue or shall suspend the permit of any person required by this section to demonstrate adequate financial assurance who fails to demonstrate compliance with this section. The permit shall not be issued or reinstated until the person demonstrates compliance with this section.

(3) The department of ecology shall require (a) that any person required to demonstrate financial assurance maintain with the agency current copies of any insurance policies, certificates of insurance, or any other documents sufficient to evidence compliance with this section, (b) that the agency be notified of any changes in the instruments of financial assurance or financial condition of the person, and (c) that the state be named as an insured party on any insurance policy used to comply with this section. This subsection shall not apply to any person subject to the same requirements under RCW 70.98.095.

[1992 c 61 § 2; 1990 c 82 § 2; 1986 c 191 § 2.]

RCW 43.200.220 Site closure fee--Generally.

Applicable Cases

Beginning January 1, 1993, the department of ecology may impose a reasonable site closure fee if necessary to be deposited in the site closure account established under RCW 43.200.080. The department may continue to collect moneys for the site closure account until the account contains an amount sufficient to complete the closure plan, as specified in the radioactive materials license issued by the department of health.

[1990 c 21 § 4.]

Notes:

Rate regulation anticipated--1990 c 21: "State and national policy directs that the management of low-level radioactive waste shall be accomplished by a system of interstate compacts and the development of regional disposal sites. The Northwest regional compact, comprised of the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Washington, has as its disposal facility the low-level radioactive waste disposal site located near Richland, Washington. This site is expected to be the sole site for disposal of low-level radioactive waste for compact members effective January 1, 1993. Future closure of this site will require significant financial resources.

Low-level radioactive waste is generated by essential activities and services that benefit the citizens of the state. Washington state's low-level radioactive waste disposal site has been used by the nation and the Northwest compact as a disposal site since 1965. The public has come to rely on access to this site for disposal of low-level radioactive waste, which requires separate handling from other solid and hazardous wastes. The price of disposing of low-level radioactive waste at the Washington state low-level radioactive waste disposal site is anticipated to increase when the federal low-level radioactive waste policy amendments act of 1985 is implemented and waste generated outside the Northwest compact states is excluded. To protect Washington and other Northwest compact

states' businesses and services, such as electrical production, medical and university research, and private industries, upon which the public relies, there may be a need to regulate the rates charged by the operator of Washington's low-level radioactive waste disposal site." [1990 c 21 § 1.]

Low-level waste disposal rate regulation study: RCW 81.04.520.

RCW 43.200.230 Fees for waste generators.

Applicable Cases

The director of the department of ecology shall require that generators of waste pay a fee for each cubic foot of waste disposed at any facility in the state equal to six dollars and fifty cents. The fee shall be imposed specifically on the generator of the waste and shall not be considered to apply in any way to the low-level site operator's disposal activities. The fee shall be allocated in accordance with RCW 43.200.233 and 43.200.235. This subsection shall be invalidated and the authorization to collect a surcharge removed if the legislature or any administrative agency of the state of Washington prior to January 1, 1993, (1) imposes fees, assessments, or charges other than perpetual care and maintenance, site surveillance, and site closing fees currently applicable to the Hanford commercial low-level waste site operator's activities, (2) imposes any additional fees, assessments, or charges on generators using the Hanford commercial low-level waste site, or (3) increases any existing fees, assessments, or charges.

[1991 c 272 § 16.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.200.233 Waste generator surcharge remittal to counties.

Applicable Cases

A portion of the surcharge received under RCW 43.200.230 shall be remitted monthly to the county in which the low-level radioactive waste disposal facility is located in the following manner:

- (1) During 1993, six dollars and fifty cents per cubic foot of waste;
- (2) During 1994, three dollars and twenty-five cents per cubic foot of waste; and
- (3) During 1995 and thereafter, two dollars per cubic foot of waste.

[1991 c 272 § 17.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.200.235 Disposal of waste generator surcharges.

Applicable Cases

Except for moneys that may be remitted to a county in which a low-level radioactive waste disposal facility is located, all surcharges authorized under RCW 43.200.230 shall be deposited in the fund created in RCW 43.31.422.

[1991 c 272 § 18.]

Notes:

Effective dates--1991 c 272: See RCW 81.108.901.

RCW 43.200.900 Construction of chapter.

Applicable Cases

The rules of strict construction do not apply to this chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the board the maximum possible freedom in carrying the provisions of this chapter into effect.

[1984 c 161 § 15; 1983 1st ex.s. c 19 § 10.]

RCW 43.200.901 Conflict with federal requirements--1983 1st ex.s. c 19.

Applicable Cases

If any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1983 1st ex.s. c 19 § 11.]

RCW 43.200.902 Severability--1983 1st ex.s. c 19.

Applicable Cases

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

[1983 1st ex.s. c 19 § 12.]

RCW 43.200.903 Severability--1984 c 161.

Applicable Cases

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

[1984 c 161 § 17.]

RCW 43.200.905 Construction--1986 c 191.

Applicable Cases

The provisions of this act shall not have the effect of reducing the level of liability coverage required under any law, regulation, or contract of the state before December 31, 1987, or the effective date of the first determination made pursuant to RCW 43.200.200, if earlier.

[1986 c 191 § 4.]

RCW 43.200.906 Severability--1986 c 191.

Applicable Cases

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

[1986 c 191 § 6.]

**Chapter 43.205 RCW
HIGH-LEVEL NUCLEAR WASTE REPOSITORY SITING**

RCW

43.205.010	Findings.
43.205.020	Duties relating to the site selection process for a high-level nuclear waste repository.
43.205.900	Transmission of copies of act--1986 ex.s. c 1.
43.205.901	Referral to electorate--Ballot title--1986 ex.s. c 1.

Notes:

Nuclear waste site--Election for disapproval: Chapter 29.91 RCW.

RCW 43.205.010 Findings.

Applicable Cases

The legislature and the people of the state of Washington find that:

(1) In order to solve the problem of high-level radioactive waste disposal, congress established a process for selecting two sites for the safe, permanent, and regionally equitable disposal of such waste.

(2) The process of selecting three sites as final candidates, including the Hanford reservation, for a first high-level nuclear waste repository by the United States department of energy violated the intent and the mandate of congress.

(3) The United States department of energy has prematurely deferred consideration of numerous potential sites and disposal media that its own research indicates are more appropriate, safer, and less expensive.

(4) Placement of a repository at Hanford without methodical and independently verified scientific evaluation will pose a threat to the health and safety of the people and the environment of this state.

(5) The selection process is flawed and not credible because it did not include independent experts in the selection of the sites and in the review of that selection, as recommended by the National Academy of Sciences.

(6) By postponing indefinitely all site specific work for a second repository, the United

States department of energy has not complied with the intent of congress expressed in the Nuclear Waste Policy Act, Public Law 97-425, and the fundamental compromise which enabled its enactment.

[1986 ex.s. c 1 § 1.]

RCW 43.205.020 Duties relating to the site selection process for a high-level nuclear waste repository.

Applicable Cases

In order to achieve complete compliance with federal law and protect the health, safety, and welfare of the people of the state of Washington, the governor, the legislature, other state-wide elected officials, and the nuclear waste board shall use all legal means necessary to:

(1) Suspend the preliminary site selection process for a high-level nuclear waste repository, including the process of site characterization, until there is compliance with the intent of the Nuclear Waste Policy Act;

(2) Reverse the secretary of energy's decision to postpone indefinitely all site specific work on locating and developing a second repository for high-level nuclear waste;

(3) Insist that the United States department of energy's site selection process, when resumed, considers all acceptable geologic media and results in safe, scientifically justified, and regionally and geographically equitable high-level nuclear waste disposal;

(4) Demand that federal budget actions fully and completely follow the intent of the Nuclear Waste Policy Act; and

(5) Continue to pursue alliances with other states and interested parties, particularly with Pacific Northwest governors, legislatures, and other parties, affected by the site selection and transportation of high-level nuclear waste.

[1986 ex.s. c 1 § 2.]

RCW 43.205.900 Transmission of copies of act--1986 ex.s. c 1.

Applicable Cases

See RCW 29.91.900.

RCW 43.205.901 Referral to electorate--Ballot title--1986 ex.s. c 1.

Applicable Cases

See RCW 29.91.901.

**Chapter 43.210 RCW
SMALL BUSINESS EXPORT FINANCE ASSISTANCE CENTER**

(Formerly Export assistance center)

RCW

43.210.010 Findings.

43.210.020 Small business export finance assistance center authorized--Purposes.

- 43.210.030 Board of directors--Membership--Terms--Vacancies.
- 43.210.040 Powers and duties.
- 43.210.050 Export assistance services contract with department of community, trade, and economic development.
- 43.210.060 Rule-making authority.
- 43.210.130 Minority business export outreach program.

RCW 43.210.010 Findings.

Applicable Cases

The legislature finds:

(1) The exporting of goods and services from Washington to international markets is an important economic stimulus to the growth, development, and stability of the state's businesses in both urban and rural areas, and that these economic activities create needed jobs for Washingtonians.

(2) Impediments to the entry of many small and medium-sized businesses into export markets have restricted growth in exports from the state.

(3) Particularly significant impediments for many small and medium-sized businesses are the lack of easily accessible information about export opportunities and financing alternatives.

(4) There is a need for a small business export finance assistance center which will specialize in providing export assistance to small and medium-sized businesses throughout the state in acquiring information about export opportunities and financial alternatives for exporting.

[1990 1st ex.s. c 17 § 65; 1985 c 231 § 1; 1983 1st ex.s. c 20 § 1.]

Notes:

Intent--1990 1st ex.s. c 17: "The legislature finds that the Puget Sound region is experiencing economic prosperity and the challenges associated with rapid growth; much of the rest of the state is not experiencing economic prosperity, and faces challenges associated with slow economic growth. It is the intent of the legislature to encourage economic prosperity and balanced economic growth throughout the state.

In order to accomplish this goal, growth must be managed more effectively in the Puget Sound region, and rural areas must build local capacity to accommodate additional economic activity in their communities. Where possible, rural economies and low-income areas should be linked with prosperous urban economies to share economic growth for the benefit of all areas and the state.

To accomplish this goal it is the intent of the legislature to: (1) Assure equitable opportunities to secure prosperity for distressed areas, rural communities, and disadvantaged populations by promoting urban-rural economic links, and by promoting value-added product development, business networks, and increased exports from rural areas; (2) improve the economic development service delivery system to be better able to serve these areas, communities, and populations; (3) redirect the priorities of the state's economic development programs to focus economic development efforts into areas and sectors of the greatest need; (4) build local capacity so that communities are better able to plan for growth and achieve self-reliance; (5) administer grant programs to promote new feasibility studies and project development on projects of interest to rural areas or areas outside of the Puget Sound region; and (6) develop a coordinated economic investment strategy involving state economic development programs, businesses, educational and vocational training institutions, local governments and local economic development organizations, ports, and others." [1990 1st ex.s. c 17 § 64.]

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

RCW 43.210.020 Small business export finance assistance center authorized--Purposes.

Applicable Cases

A nonprofit corporation, to be known as the small business export finance assistance center, and branches subject to its authority, may be formed under chapter 24.03 RCW for the following public purposes:

(1) To assist small and medium-sized businesses in both urban and rural areas in the financing of export transactions.

(2) To provide, singly or in conjunction with other organizations, information and assistance to these businesses about export opportunities and financing alternatives.

[1998 c 109 § 1; 1990 1st ex.s. c 17 § 66; 1985 c 231 § 2; 1983 1st ex.s. c 20 § 2.]

Notes:

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Transfer of property--1985 c 231: "All reports, documents, surveys, books, records, files, papers, or written material in the possession of the export assistance center shall be delivered to the custody of the small business export finance assistance center. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the export assistance center shall be made available to the small business export finance assistance center. All funds, credits, or other assets held by the export assistance center shall be assigned to the small business export finance assistance center.

Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned." [1985 c 231 § 7.]

Existing contracts--1985 c 231: "All existing contracts and obligations shall remain in full force and shall be performed by the small business export finance assistance center." [1985 c 231 § 8.]

Savings--1985 c 231: "The transfer of the powers, duties, and functions of the export assistance center shall not affect the validity of any act performed prior to May 10, 1985." [1985 c 231 § 9.]

RCW 43.210.030 Board of directors--Membership--Terms--Vacancies.

Applicable Cases

The small business export finance assistance center and its branches shall be governed and managed by a board of seven directors appointed by the governor, with the advice of the board, and confirmed by the senate. The directors shall serve terms of four years following the terms of service established by the initial appointments after June 11, 1998. Three appointees, including directors on June 11, 1998, who are reappointed, must serve initial terms of two years and, if a director is reappointed that director may serve a consecutive four-year term. Four appointees, including directors on June 11, 1998, who are reappointed, must serve initial terms of four years and, if a director is reappointed that director may serve a consecutive four-year term. After the initial appointments, directors may serve two consecutive terms. The directors may provide for the payment of their expenses. The directors shall include the director of community, trade, and economic development or the director's designee; representatives of a large financial institution engaged in financing export transactions in the state of Washington; a small financial

institution engaged in financing export transactions in the state of Washington; a large exporting company domiciled in the state of Washington; a small exporting company in the state of Washington; organized labor in a trade involved in international commerce; and a representative at large. To the extent possible, appointments to the board shall reflect geographical balance and the diversity of the state population. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

[1998 c 109 § 2; 1995 c 399 § 106; 1991 c 314 § 15; 1985 c 231 § 3; 1983 1st ex.s. c 20 § 3.]

Notes:

Findings--1991 c 314: See note following RCW 43.31.601.

RCW 43.210.040 Powers and duties.

Applicable Cases

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall have the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Provide assistance to businesses with annual sales of two hundred million dollars or less in obtaining loans and guarantees of loans made by financial institutions for the purpose of financing export of goods or services from the state of Washington;

(c) Provide export finance and risk mitigation counseling to Washington exporters with annual sales of two hundred million dollars or less, provided that such counseling is not practicably available from a Washington for-profit business. For such counseling, the center may charge reasonable fees as it determines are necessary;

(d) Provide assistance in obtaining export credit insurance or alternate forms of foreign risk mitigation to facilitate the export of goods and services from the state of Washington;

(e) Be available as a teaching resource to both public and private sponsors of workshops and programs relating to the financing and risk mitigation aspects of exporting products and services from the state of Washington;

(f) Develop a comprehensive inventory of export-financing resources, both public and private, including information on resource applicability to specific countries and payment terms;

(g) Contract with the federal government and its agencies to become a program administrator for federally provided loan guarantee and export credit insurance programs; and

(h) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for

such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

[1998 c 109 § 3; 1987 c 505 § 43; 1985 c 231 § 4; 1983 1st ex.s. c 20 § 4.]

RCW 43.210.050 Export assistance services contract with department of community, trade, and economic development.

Applicable Cases

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 shall enter into a contract under this chapter with the department of community, trade, and economic development or its statutory successor. The contract shall require the center to provide export assistance services, consistent with *RCW 43.210.070 and 43.210.100 through 43.210.120, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the *Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the *Pacific Northwest export assistance project. The provisions of the contract related to the *Pacific Northwest export assistance project may be changed at any time if the director of the department of community, trade, and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of community, trade, and economic development and the small business export finance assistance center when the *Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture.

[1998 c 245 § 84; 1995 c 399 § 107; 1991 c 314 § 16. Prior: 1985 c 466 § 64; 1985 c 231 § 5; 1983 1st ex.s. c 20 § 5.]

Notes:

***Reviser's note:** The "Pacific Northwest export assistance project" was sunsetted by RCW 43.131.373 and 43.131.374, and RCW 43.210.070 and 43.210.100 through 43.210.120 were repealed by 1991 c 314 § 18, effective June 30, 1997.

Findings--1991 c 314: See note following RCW 43.31.601.

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.210.060 Rule-making authority.

Applicable Cases

The department of community, trade, and economic development or its statutory successor shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

[1995 c 399 § 108; 1985 c 466 § 65; 1983 1st ex.s. c 20 § 6.]

Notes:

Effective date--Severability--1985 c 466: See notes following RCW 43.31.125.

RCW 43.210.130 Minority business export outreach program.

Applicable Cases

The small business export finance assistance center shall develop a minority business export outreach program. The program shall provide outreach services to minority-owned businesses in Washington to inform them of the importance of and opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters.

[1993 c 512 § 5.]

Notes:

Short title--Part headings and section captions--Severability--Effective date--1993 c 512: See RCW 43.172.900 through 43.172.903.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

Small business bonding assistance program: Chapter 43.172 RCW.

**Chapter 43.220 RCW
WASHINGTON CONSERVATION CORPS**

- 43.220.010 Legislative declaration.
- 43.220.020 Conservation corps created.
- 43.220.030 Program goals.
- 43.220.040 Definitions.
- 43.220.060 Powers and duties--Effect on employed workers--Use of facilities, supplies, instruments, and tools of supervising agency.
- 43.220.070 Corps membership--Eligibility, terms, etc.
- 43.220.080 Selection of corps members--Development of corps program.
- 43.220.090 Conservation corps established in department of ecology--Work project areas.
- 43.220.120 Conservation corps established in department of fish and wildlife--Work project areas.
- 43.220.130 Conservation corps established in department of natural resources--Work project areas.
- 43.220.160 Conservation corps established in state parks and recreation commission--Work project areas.
- 43.220.170 Exemption from unemployment compensation coverage.
- 43.220.180 Identification of historic properties and sites in need of rehabilitation or renovation--Use of corps members.
- 43.220.190 Duties of agencies.
- 43.220.210 Selection, review, approval, and evaluation of projects--Recruitment, job training and placement

	services.
43.220.231	Limitation on use of funds.
43.220.240	Staff support--Administration.
43.220.250	Reimbursement of nonprofit corporations for certain services.
43.220.901	Severability--1983 1st ex.s. c 40.
43.220.902	Severability--1985 c 230.
43.220.903	Severability--1987 c 367.
43.220.904	Effective date--1999 c 280.

RCW 43.220.010 Legislative declaration.

Applicable Cases

The legislature declares that:

(1) A central element in the development of the state's young is the provision of meaningful work experience to teach the value of labor and membership in a productive society;

(2) It is important to provide an opportunity for group-oriented public service experiences for the state's young persons;

(3) The state is still benefiting from the wide range of public works accomplished by the conservation corps many years ago and that a similar program will likewise benefit future generations; and

(4) Values of hard work, public spiritedness, group achievement and cooperation, resource conservation, and environmental appreciation can and should be transmitted to society's youth through a conservation corps program.

[1983 1st ex.s. c 40 § 2.]

RCW 43.220.020 Conservation corps created.

Applicable Cases

The Washington conservation corps is hereby created, to be implemented by the following state departments: The employment security department, the department of ecology, the department of fish and wildlife, the department of natural resources, and the state parks and recreation commission.

[1999 c 280 § 1; 1994 c 264 § 32; 1988 c 36 § 23; 1983 1st ex.s. c 40 § 1.]

RCW 43.220.030 Program goals.

Applicable Cases

Program goals of the Washington conservation corps include:

(1) Conservation, rehabilitation, and enhancement of the state's natural, historic, environmental, and recreational resources with emphasis given to projects which address the following state-wide priorities:

(a) Timber, fish and wildlife management plan;

(b) Watershed management plan;

(c) Eco-tourism and heritage tourism;

(d) State-wide water quality;

(e) United States-Canada fisheries treaty;

- (f) Public access to and environmental education about stewardship of natural resources on state lands;
- (g) Recreational trails;
- (h) Salmon recovery and volunteer initiatives;
- (2) Development of the state's youth resources through meaningful work experiences;
- (3) Making outdoor and historic resources of the state available for public enjoyment;
- (4) Teaching of the workings of natural, environmental, and biological systems, as well as basic employment skills;
- (5) Assisting agencies in carrying out statutory assignments with limited funding resources; and
- (6) Providing needed public services in both urban and rural settings with emphasis in a distressed area or areas.

[1999 c 280 § 2; 1987 c 367 § 1; 1983 1st ex.s. c 40 § 3.]

RCW 43.220.040 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Public lands" means any lands or waters, or interests therein, owned or administered by any agency or instrumentality of the state, federal, or local government.
- (2) "Corps" means the Washington conservation corps.
- (3) "Corps member" means an individual enrolled in the Washington conservation corps.
- (4) "Corps member leaders" or "specialists" means members of the corps who serve in leadership or training capacities or who provide specialized services other than or in addition to the types of work and services that are performed by the corps members in general.
- (5) "Crew supervisor" means temporary, project, or permanent state employees who supervise corps members and coordinate work project design and completion.
- (6) "Distressed area" has the meaning as defined in RCW 43.168.020.

[1999 c 280 § 3; 1999 c 151 § 1301; 1987 c 367 § 2; 1983 1st ex.s. c 40 § 4.]

Notes:

Reviser's note: This section was amended by 1999 c 151 § 1301 and by 1999 c 280 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.220.060 Powers and duties--Effect on employed workers--Use of facilities, supplies, instruments, and tools of supervising agency.

Applicable Cases

- (1) Each state department identified in RCW 43.220.020 shall have the following powers and duties to carry out its functions relative to the Washington conservation corps:
 - (a) Recruiting and employing staff, corps members, corps member leaders, and

specialists;

(b) Executing agreements for furnishing the services of the corps to carry out conservation corps programs to any federal, state, or local public agency, any local organization as specified in this chapter in concern with the overall objectives of the conservation corps;

(c) Applying for and accepting grants or contributions of funds from any private source;

(d) Determining a preference for those projects which will provide long-term benefits to the public, will provide productive training and work experiences to the members involved, will be labor-intensive, may result in payments to the state for services performed, and can be promptly completed; and

(e) Entering into agreements with community colleges within the state's community and technical college system and other educational institutions or independent nonprofit agencies to provide special education in basic skills, including reading, writing, and mathematics for those conservation corps members who may benefit by participation in such classes. Classes shall be scheduled after corps working hours. Participation by members is not mandatory but shall be strongly encouraged. The participation shall be a primary factor in determining whether the opportunity for corps membership beyond one year shall be offered. Instruction related to the specific role of the department in resource conservation shall also be offered, either in a classroom setting or as is otherwise appropriate.

(2) The assignment of corps members shall not result in the displacement of currently employed workers, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Supervising agencies that participate in the program may not terminate, lay-off, or reduce the working hours of any employee for the purpose of using a corps member with available funds. In circumstances where substantial efficiencies or a public purpose may result, supervising agencies may use corps members to carry out essential agency work or contractual functions without displacing current employees.

(3) Facilities, supplies, instruments, and tools of the supervising agency shall be made available for use by the conservation corps to the extent that such use does not conflict with the normal duties of the agency. The agency may purchase, rent, or otherwise acquire other necessary tools, facilities, supplies, and instruments.

[1999 c 280 § 4; 1987 c 505 § 44; 1983 1st ex.s. c 40 § 6.]

RCW 43.220.070 Corps membership--Eligibility, terms, etc.

Applicable Cases

(1) Conservation corps members shall be unemployed residents of the state between eighteen and twenty-five years of age at the time of enrollment who are citizens or lawful permanent residents of the United States. The age requirements may be waived for corps leaders and specialists with special leadership or occupational skills; such members shall be given special responsibility for providing leadership, character development, and sense of community responsibility to the corps members, groups, and work crews to which they are assigned. The upper age requirement may be waived for residents who have a sensory or mental handicap. Special effort shall be made to recruit minority and disadvantaged youth who meet selection

criteria of the conservation corps. Preference shall be given to youths residing in areas, both urban and rural, in which there exists substantial unemployment exceeding the state average unemployment rate.

(2) The legislature finds that people with developmental disabilities would benefit from experiencing a meaningful work experience, and learning the value of labor and of membership in a productive society.

The legislature urges state agencies that are participating in the Washington conservation corps program to consider for enrollment in the program people who have developmental disabilities, as defined in RCW 71A.10.020.

If an agency chooses to enroll people with developmental disabilities in its Washington conservation corps program, the agency may apply to the United States department of labor, employment standards administration for a special subminimum wage certificate in order to be allowed to pay enrollees with developmental disabilities according to their individual levels of productivity.

(3) Corps members shall not be considered state employees. Other provisions of law relating to civil service, hours of work, rate of compensation, sick leave, unemployment compensation, state retirement plans, and vacation leave do not apply to the Washington conservation corps except for the crew supervisors, who shall be project employees, and the administrative and supervisory personnel.

(4) Enrollment shall be for a period of six months which may be extended for additional six-month periods by mutual agreement of the corps and the corps member, not to exceed two years. Corps members shall be reimbursed at the minimum wage rate established by state or federal law, whichever is higher, which may be increased by up to five percent for each additional six-month period worked: PROVIDED, That if agencies elect to run a residential program, the appropriate costs for room and board shall be deducted from the corps member's paycheck as provided in chapter 43.220 RCW.

(5) Corps members are to be available at all times for emergency response services coordinated through the department of community, trade, and economic development or other public agency. Duties may include sandbagging and flood cleanup, search and rescue, and other functions in response to emergencies.

[1999 c 280 § 5; 1995 c 399 § 112; 1990 c 71 § 2; 1988 c 78 § 1; 1986 c 266 § 48. Prior: 1985 c 230 § 7; 1985 c 7 § 110; 1983 1st ex.s. c 40 § 7.]

Notes:

Legislative finding--1990 c 71: "The legislature finds that the Washington conservation corps has proven to be an effective method to provide meaningful work experience for many of the state's young persons. Because of recent, and possible future, increases in the minimum wage laws, it is necessary to make an adjustment in the limitation that applies to corps member reimbursements." [1990 c 71 § 1.]

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 43.220.080 Selection of corps members--Development of corps program.

Applicable Cases

Conservation corps members shall be selected based on their orientation towards public

service, development of job skills and productive work habits, and character development. Special effort shall be made at the time of initial screening to explain rigorous productivity standards and special expectations and obligations of corps membership. An employment agreement shall be entered into by the corps member, indicating the member's understanding of, and willingness to abide by, such standards.

In the development of the corps program, consideration shall be given to providing corps members with a beneficial and meaningful work experience. Standards of productivity, behavior, and punctuality shall be developed and observed. Consideration shall be given to the development of a program that deserves the respect of the public, both in terms of service provided and personal development of corps members.

[1983 1st ex.s. c 40 § 8.]

RCW 43.220.090 Conservation corps established in department of ecology--Work project areas.

Applicable Cases

- (1) There is established a conservation corps within the department of ecology.
- (2) Specific work project areas of the ecology conservation corps may include the following:
 - (a) Litter pickup as a supplement to the role of the litter patrol established by the waste reduction, recycling, and model litter control act, chapter 70.93 RCW;
 - (b) Stream rehabilitation, including trash removal, in-stream debris removal, and clearance of log jams and silt accumulation, to the extent that such projects do not conflict with similar tasks undertaken by the department of fish and wildlife;
 - (c) Minimum flow field work and stream gauging;
 - (d) Identification of indiscriminate solid waste dump sites;
 - (e) Laboratory and office assistance;
 - (f) General maintenance and custodial work at sewage treatment plants;
 - (g) Irrigation district assistance, including ditch cleaning and supervised work in surveying and engineering;
 - (h) Streambank erosion control; and
 - (i) Other projects as the director may determine. If a project requires certain levels of academic training, the director may assign corps members to categories of work projects according to educational background. If appropriate facilities are available, the director may authorize carrying out projects which involve overnight stays.

[1994 c 264 § 33; 1983 1st ex.s. c 40 § 9.]

RCW 43.220.120 Conservation corps established in department of fish and wildlife--Work project areas.

Applicable Cases

- (1) There is established a conservation corps within the department of fish and wildlife.
- (2) Specific work project areas of the fish and wildlife conservation corps may include the

following:

- (a) Habitat development;
- (b) Land clearing;
- (c) Construction projects;
- (d) Noxious weed control;
- (e) Brush cutting;
- (f) Reader board construction;
- (g) Painting;
- (h) Cleaning and repair of rearing ponds;
- (i) Fishtrap construction;
- (j) Brush clearance;
- (k) Spawning channel restoration;
- (l) Log removal;
- (m) Nest box maintenance and cleaning;
- (n) Fence building;
- (o) Winter game feeding and herding;
- (p) Stream rehabilitation;
- (q) Fish hatchery operation and maintenance;
- (r) Fish tagging; and

(s) Such other projects as the director of fish and wildlife may determine. If appropriate facilities are available, the director of fish and wildlife may authorize carrying out projects which involve overnight stays.

[1999 c 280 § 6; 1994 c 264 § 34; 1988 c 36 § 24; 1983 1st ex.s. c 40 § 12.]

RCW 43.220.130 Conservation corps established in department of natural resources--Work project areas.

Applicable Cases

(1) There is established a conservation corps within the department of natural resources.

(2) Specific work project areas of the natural resources conservation corps may include the following:

- (a) Research assistance;
- (b) Recreation projects;
- (c) Slash disposal;
- (d) Pit site reclamation;
- (e) Road deactivation;
- (f) Animal damage control;
- (g) Reforestation;
- (h) Wood cutting;
- (i) Firewood systems development;
- (j) Noxious weed control;
- (k) Fence construction and maintenance;

- (l) Wood products manufacturing;
- (m) Riparian area cleaning;
- (n) Spring development for grazing;
- (o) Erosion control;
- (p) Control of fires; and

(q) Such other projects as the commissioner of public lands may determine. If appropriate facilities are available, the commissioner of public lands may authorize carrying out projects which involve overnight stays.

[1983 1st ex.s. c 40 § 13.]

RCW 43.220.160 Conservation corps established in state parks and recreation commission--Work project areas.

Applicable Cases

(1) There is established a conservation corps within the state parks and recreation commission.

(2) Specific work project areas of the state parks and recreation conservation corps may include the following:

- (a) Restoration or development of park facilities;
- (b) Trail construction and maintenance;
- (c) Litter control;
- (d) Park and land rehabilitation;
- (e) Fire suppression;
- (f) Road repair; and

(g) Other projects as the state parks and recreation commission may determine. If appropriate facilities are available, the state parks and recreation commission may authorize carrying out projects which involve overnight stays.

[1999 c 249 § 702; 1983 1st ex.s. c 40 § 16.]

Notes:

Severability--1999 c 249: See note following RCW 79A.05.010.

RCW 43.220.170 Exemption from unemployment compensation coverage.

Applicable Cases

The services of corps members placed with agencies listed in RCW 43.220.020 are exempt from unemployment compensation coverage under RCW 50.44.040(5) and the enrollees shall be so advised by the department.

[1983 1st ex.s. c 40 § 17.]

RCW 43.220.180 Identification of historic properties and sites in need of rehabilitation or renovation--Use of corps members.

Applicable Cases

The state historic preservation officer shall review the state and national registers of

historic places to identify publicly owned historic properties and sites within the state which are in need of rehabilitation or renovation and which could utilize parks and recreation conservation corps members in such rehabilitation or renovation. Any such tasks shall be performed in such a way as not to conflict with the historic character of the structure as determined by the state historic preservation officer.

Conservation corps members shall be made available for tasks identified by the state historic preservation officer in the rehabilitation and renovation of historic sites within the state.

[1983 1st ex.s. c 40 § 18.]

RCW 43.220.190 Duties of agencies.

Applicable Cases

The agencies listed in RCW 43.220.020 shall establish consistent work standards and placement and evaluation procedures of corps programs. They shall also reconcile problems that arise in the implementation of the corps programs and develop coordination procedures for emergency responses of corps members.

[1999 c 151 § 1302; 1987 c 367 § 3; 1983 1st ex.s. c 40 § 20.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.220.210 Selection, review, approval, and evaluation of projects--Recruitment, job training and placement services.

Applicable Cases

The agencies listed in RCW 43.220.020 shall select, review, approve, and evaluate the success of projects under this chapter.

Up to fifteen percent of funds spent for recruitment, job training and placement services shall, wherever possible, be contracted through local educational institutions and/or nonprofit corporations.

Such contracts may include, but not be limited to, general education development testing, preparation of resumes and job search skills.

All contracts or agreements entered into by agencies listed in RCW 43.220.020 shall be consistent with legislative intent as set forth in this section.

[1999 c 151 § 1303; 1987 c 367 § 4; 1985 c 230 § 1.]

Notes:

Part headings not law--Effective date--1999 c 151: See notes following RCW 18.28.010.

RCW 43.220.231 Limitation on use of funds.

Applicable Cases

(1) An amount not to exceed five percent of the funds available for the Washington conservation corps may be expended on agency administrative costs. Agency administrative costs are indirect expenses such as personnel, payroll, contract administration, fiscal services, and

other overhead costs.

(2) An amount not to exceed twenty percent of the funds available for the Washington conservation corps may be expended for costs included in subsection (1) of this section and program support costs. Program support costs include, but are not limited to, program planning, development of reports, job and career training, uniforms and equipment, and standard office space and utilities. Program support costs do not include direct scheduling and supervision of corps members.

(3) A minimum of eighty percent of the funds available for the Washington conservation corps shall be expended for corps member salaries and benefits and for direct supervision of corps members.

[1999 c 280 § 7.]

RCW 43.220.240 Staff support--Administration.

Applicable Cases

Notes:

Reviser's note: RCW 43.220.240 was amended by 1999 c 151 § 1304 without reference to its repeal by 1999 c 280 § 8. It has been decodified for publication purposes under RCW 1.12.025.

RCW 43.220.250 Reimbursement of nonprofit corporations for certain services.

Applicable Cases

A nonprofit corporation which contracts with an agency listed in RCW 43.220.020 to provide a specific service, appropriate for the administration of this chapter which the agency cannot otherwise provide, may be reimbursed at the discretion of the agency for the reasonable costs the agency would absorb for providing those services.

[1985 c 230 § 5.]

RCW 43.220.901 Severability--1983 1st ex.s. c 40.

Applicable Cases

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

[1983 1st ex.s. c 40 § 24.]

RCW 43.220.902 Severability--1985 c 230.

Applicable Cases

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

[1985 c 230 § 9.]

RCW 43.220.903 Severability--1987 c 367.

Applicable Cases

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

[1987 c 367 § 6.]

RCW 43.220.904 Effective date--1999 c 280.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 13, 1999].

[1999 c 280 § 9.]

**Chapter 43.250 RCW
INVESTMENT OF LOCAL GOVERNMENT FUNDS**

RCW

- 43.250.010 Purpose.
- 43.250.020 Definitions.
- 43.250.030 Public funds investment account.
- 43.250.040 Authority of official to place funds in the public funds investment account--Investment of funds by state treasurer--Degree of judgment and care required.
- 43.250.050 Employment of personnel.
- 43.250.060 Investment pool--Generally.
- 43.250.070 Investment pool--Separate accounts for participants--Monthly status report.
- 43.250.080 Annual summary of activity.
- 43.250.090 Administration of chapter--Rules.

Notes:

Investment accounting: RCW 43.33A.180.

RCW 43.250.010 Purpose.

Applicable Cases

The purpose of this chapter is to enable political subdivisions, community and technical college districts, and the state board for community and technical colleges as established in chapter 28B.50 RCW to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds. The legislature finds and declares that the public interest is found in providing maximum prudent investment of surplus funds, thereby reducing the need for additional taxation. The legislature also recognizes that not all political subdivisions are able to maximize the return on their

temporary surplus funds. The legislature therefore provides in this chapter a mechanism whereby political subdivisions, community and technical colleges, and the state board for community and technical colleges may, at their option, utilize the resources of the state treasurer's office to maximize the potential of surplus funds while ensuring the safety of public funds.

[1996 c 268 § 1; 1986 c 294 § 1.]

RCW 43.250.020 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Public funds investment account" or "investment pool" means the aggregate of all funds as defined in subsection (5) of this section that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Political subdivision" means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) "Financial officer" means the board-appointed treasurer of a community or technical college district or the state board for community and technical colleges.

(5) "Funds" means:

(a) Public funds under the control of or in the custody of any local government official or local funds, as defined by the office of financial management publication "Policies, Regulations and Procedures," under the control of or in the custody of a financial officer by virtue of the official's authority that are not immediately required to meet current demands;

(b) State funds deposited in the investment pool by the state treasurer that are the proceeds of bonds, notes, or other evidences of indebtedness authorized by the state finance committee under chapter 39.42 RCW or payments pursuant to financing contracts under chapter 39.94 RCW, when the investments are made in order to comply with the Internal Revenue Code of 1986, as amended.

[1996 c 268 § 2; 1990 c 106 § 1; 1986 c 294 § 2.]

RCW 43.250.030 Public funds investment account.

Applicable Cases

There is created a trust fund to be known as the public funds investment account. The account is to be separately accounted for and invested by the state treasurer. All moneys remitted under this chapter shall be deposited in this account. All earnings on any balances in the public funds investment account, less moneys for administration pursuant to RCW 43.250.060, shall be credited to the public funds investment account.

[1991 sp.s. c 13 § 86; 1990 c 106 § 2; 1986 c 294 § 3.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 43.250.040 Authority of official to place funds in the public funds investment account--Investment of funds by state treasurer--Degree of judgment and care required.

Applicable Cases

If authorized by statute, local ordinance, or resolution, a local government official or financial officer may place funds into the public funds investment account for investment and reinvestment by the state treasurer in those securities and investments set forth in RCW 43.84.080 and chapter 39.58 RCW. The state treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool. In investing and reinvesting moneys in the public funds investment account and in acquiring, retaining, managing, and disposing of investments of the investment pool, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.

[1996 c 268 § 3; 1986 c 294 § 4.]

RCW 43.250.050 Employment of personnel.

Applicable Cases

The state treasurer's office is authorized to employ such personnel as are necessary to administer the public funds investment account. The bond of the state treasurer as required by law shall be made to include the faithful performance of all functions relating to the investment pool.

[1986 c 294 § 5.]

RCW 43.250.060 Investment pool--Generally.

Applicable Cases

The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in chapter 294, Laws of 1986, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to participants in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to the participants shall be calculated and made in a manner which equitably reflects the differing amounts of the participants'

respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool.

[1990 c 106 § 3; 1986 c 294 § 6.]

RCW 43.250.070 Investment pool--Separate accounts for participants--Monthly status report.

Applicable Cases

The state treasurer shall keep a separate account for each participant having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid. The state treasurer shall report monthly the status of the respective account to each participant having funds in the pool during the previous month.

[1990 c 106 § 4; 1986 c 294 § 7.]

RCW 43.250.080 Annual summary of activity.

Applicable Cases

At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the joint legislative audit and review committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

[1996 c 288 § 48; 1986 c 294 § 8.]

RCW 43.250.090 Administration of chapter--Rules.

Applicable Cases

The state finance committee shall administer this chapter and adopt appropriate rules.

[1986 c 294 § 9.]

**Chapter 43.270 RCW
COMMUNITY MOBILIZATION AGAINST SUBSTANCE ABUSE**

RCW

- 43.270.010 Intent.
- 43.270.020 Grant program--Activities funded.
- 43.270.030 Content of application.
- 43.270.040 Coordinated strategies.
- 43.270.050 Application requirements.
- 43.270.060 Criteria for making awards.
- 43.270.070 Community suggestions.
- 43.270.080 Gifts, grants, and endowments.
- 43.270.900 Severability--1989 c 271.

RCW 43.270.010 Intent.

Applicable Cases

The legislature recognizes that state-wide efforts aimed at reducing the incidence of substance abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens' groups.

The legislature intends to support the development and activities of community mobilization strategies against substance abuse through the following efforts:

(1) Provide funding support for prevention, treatment, and enforcement activities identified by communities that have brought together education, treatment, local government, law enforcement, and other key elements of the community;

(2) Provide technical assistance and support to help communities develop and carry out effective activities; and

(3) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

[1989 c 271 § 315.]

RCW 43.270.020 Grant program--Activities funded.

Applicable Cases

There is established in the office of the governor a grant program to provide incentive for and support for communities to develop targeted and coordinated strategies to reduce the incidence and impact of substance abuse.

Activities which may be funded through this grant program include those which:

(1) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, and other prevention strategies;

(2) Support effective treatment by increasing access to and availability of treatment opportunities, particularly for underserved or highly impacted populations, developing aftercare and support mechanisms, and other strategies to increase the availability and effectiveness of treatment;

(3) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;

(4) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to make most effective use of resources to carry out the community's strategy against substance abuse; and

(5) Other activities which demonstrate both feasibility and a rationale for how the activity will achieve measurable results in the strategy against substance abuse.

[1989 c 271 § 316.]

Notes:

Report to legislature--1989 c 271 § 316: "The governor shall report to the legislature by January 1, 1991, regarding the operations of the grant program authorized in section 316 of this act. At a minimum, the report shall include the following:

- (1) Number of grants awarded and the amount of each grant;
 - (2) Recipients of grants, including the communities in which they are based;
 - (3) Purposes for which the grants were awarded;
 - (4) Success of the projects in achieving their stated goals and objectives;
 - (5) An assessment of the effect that the activities of *this act had on encouraging and supporting coordinated community action against substance abuse;
 - (6) Recommendations for further funding by the state; and
 - (7) Recommendations regarding future operations of the program, including criteria for awarding grants."
- [1989 c 271 § 324.] For codification of "this act" [1989 c 271], see Codification Tables, Volume 0.

RCW 43.270.030 Content of application.

Applicable Cases

Applications for funding under this chapter must:

- (1) Demonstrate that the community has developed and is committed to carrying out a coordinated strategy of prevention, treatment, and law enforcement activities; and
- (2) Contain evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance abusers.

[1989 c 271 § 317.]

RCW 43.270.040 Coordinated strategies.

Applicable Cases

This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complimentary strategies within geographic areas such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of substance abuse, existing coalitions, or other entities important to the success of a community's strategy against substance abuse.

[1989 c 271 § 318.]

RCW 43.270.050 Application requirements.

Applicable Cases

At a minimum, grant applications must include the following:

- (1) Definition of geographic area;
- (2) A description of the extent and impact of substance abuse in the community, including an explanation of those who are most severely impacted and those most at risk of substance abuse;
- (3) An explanation of the community-wide strategy for prevention, treatment, and law enforcement activities related to substance abuse with particular attention to those who are most severely impacted and those most at risk of substance abuse;

(4) Explanation of who was involved in development of the strategy and what specific commitments have been made to carrying it out;

(5) Identification of existing prevention, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against substance abuse;

(6) Identification of activities that address specific objectives in the strategy for which additional resources are needed;

(7) Identification of additional local resources, including public or private funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (6) of this section;

(8) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;

(9) Each activity for which funding is requested must be explained in sufficient detail to demonstrate:

(a) Feasibility through deliberative design, specific objectives, and realistic plan for implementation;

(b) A rationale for how this activity will achieve measurable results and how it will be evaluated;

(c) That funds requested are necessary and appropriate to effectively carry out the activity; and

(10) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

[1989 c 271 § 319.]

RCW 43.270.060 Criteria for making awards.

Applicable Cases

The governor shall make awards, subject to funds appropriated by the legislature, under the following terms:

(1) In order to be eligible for consideration, applications must demonstrate, at a minimum:

(a) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, treatment, and law enforcement against substance abuse;

(b) Evidence of active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, tribal government, and treatment entities in the community, and the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, or other community efforts provide direct, ongoing contact with substance

abusers, or those at risk for substance abuse;

(c) That they have met the requirements listed in RCW 43.270.050;

(d) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services, and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof; and

(e) That the funds applied for, if received, will not be used to replace funding for existing activities.

(2) In order to encourage and reward communities which develop coordinated or complementary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of substance abuse, up to fifty percent of funds appropriated for the purposes of this chapter may be awarded on a per capita basis to eligible applications reflecting coordinated strategy from a county area or group of county areas. The governor may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and

(3) No less than fifty percent of funds appropriated under this chapter shall be awarded on a competitive basis for activities by communities not participating in a county-wide strategy and activities identified by county-wide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review committee whose members have experience in prevention, treatment, law enforcement, and other community efforts against substance abuse using the following criteria:

(a) The extent and impact of substance abuse;

(b) The extent to which key elements of the community are involved in and committed to the coordinated strategy;

(c) The extent of commitments of local resources to the coordinated strategy;

(d) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, wide-spread problem.

The peer review committee will advise the governor on the extent to which each eligible applicant has met these criteria. The governor will distribute available funds based on this information.

(4) The governor shall distribute fifty percent of the initial appropriation for the purposes of this chapter no later than October 1, 1989, and the remainder no later than July 1, 1990.

(5) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state of Washington to provide ongoing funding.

[1989 c 271 § 320.]

RCW 43.270.070 Community suggestions.

Applicable Cases

The governor shall ask communities for suggestions on state practices, policies, and

priorities that would help communities implement their strategies against substance abuse. The governor or appropriate agency officials shall review and respond to those suggestions making necessary changes where feasible, making recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished, if the suggestions cannot be acted upon.

[1989 c 271 § 321.]

RCW 43.270.080 Gifts, grants, and endowments.

Applicable Cases

The governor may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of RCW 43.270.010 through 43.270.080 and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

[1989 c 271 § 322.]

RCW 43.270.900 Severability--1989 c 271.

Applicable Cases

See note following RCW 9.94A.310.

Chapter 43.280 RCW

COMMUNITY TREATMENT SERVICES FOR VICTIMS OF SEX OFFENDERS

RCW

- 43.280.010 Intent.
- 43.280.011 Intent, approval of committee recommendations, distribution of services--1996 c 123.
- 43.280.020 Grant program--Funding.
- 43.280.030 Applications.
- 43.280.040 Organizations eligible.
- 43.280.050 Applications--Minimum requirements.
- 43.280.060 Awarding of grants--Peer review committee.
- 43.280.070 Gifts, grants, and endowments.
- 43.280.080 Office of crime victims advocacy.
- 43.280.081 Office of crime victims advocacy--Reports on penalty assessments collection and use of funds for assistance to victims and witnesses of crime.
- 43.280.090 Office of crime victims advocacy--Ad hoc advisory committees.
- 43.280.900 Index, part headings not law--1990 c 3.
- 43.280.901 Severability--1990 c 3.
- 43.280.902 Effective dates--Application--1990 c 3.

RCW 43.280.010 Intent.

Applicable Cases

The legislature recognizes the need to increase the services available to the victims of sex offenders. The legislature also recognizes that these services are most effectively planned and provided at the local level through the combined efforts of concerned community and citizens

groups, treatment providers, and local government officials. The legislature further recognizes that adequate treatment for victims is not only a matter of justice for the victim, but also a method by which additional abuse can be prevented.

The legislature intends to enhance the community-based treatment services available to the victims of sex offenders by:

(1) Providing consolidated funding support for local treatment programs which provide services to victims of sex offenders;

(2) Providing technical assistance and support to help communities plan for and provide treatment services;

(3) Providing sexual assault services with a victim-focused mission, and consistent standards, policies, and contracting and reporting requirements; and

(4) Providing communities and local treatment providers with opportunities to share information about successful prevention and treatment programs.

[1996 c 123 § 2; 1990 c 3 § 1201.]

Notes:

Effective date--1996 c 123: "This act shall take effect July 1, 1996." [1996 c 123 § 11.]

RCW 43.280.011 Intent, approval of committee recommendations, distribution of services--1996 c 123.

Applicable Cases

The Washington state sexual assault services advisory committee issued a report to the department of community, trade, and economic development and the department of social and health services in June of 1995. The committee made several recommendations to improve the delivery of services to victims of sexual abuse and assault: (1) Consolidate the administration and funding of sexual assault and abuse services in one agency instead of splitting those functions between the department of social and health services and the department of community, trade, and economic development; (2) adopt a funding allocation plan to pool all funds for sexual assault services and to distribute them across the state to ensure the delivery of core and specialized services; (3) establish service, data collection, and management standards and outcome measurements for recipients of grants; and (4) create a data collection system to gather pertinent data concerning the delivery of sexual assault services to victims.

The legislature approves the recommendations of the advisory committee and consolidates the functions and funding for sexual assault services in the department of community, trade, and economic development to implement the advisory committee's recommendations.

The legislature does not intend to effect a reduction in service levels within available funding by transferring department of social and health services' powers and duties to the department of community, trade, and economic development. At a minimum, the department of community, trade, and economic development shall distribute the same percentage of the services it provides victims of sexual assault and abuse, pursuant to RCW 43.280.020, 70.125.080, and 74.14B.060, to children as were distributed to children through these programs in fiscal year

1996.

[1996 c 123 § 1.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.020 Grant program--Funding.

Applicable Cases

There is established in the department of community, trade, and economic development a grant program to enhance the funding for treating the victims of sex offenders. Activities that can be funded through this grant program are limited to those that:

- (1) Provide effective treatment to victims of sex offenders;
- (2) Increase access to and availability of treatment for victims of sex offenders, particularly if from underserved populations; and
- (3) Create or build on efforts by existing community programs, coordinate those efforts, or develop cooperative efforts or other initiatives to make the most effective use of resources to provide treatment services to these victims.

Funding shall be given to those applicants that emphasize providing stable, victim-focused sexual abuse services and possess the qualifications to provide core services, as defined in RCW 70.125.030. Funds for specialized services, as defined in RCW 70.125.030, shall be disbursed through the request for proposal or request for qualifications process.

[1996 c 123 § 3; 1995 c 399 § 113; 1990 c 3 § 1203.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.030 Applications.

Applicable Cases

Applications for funding under this chapter must:

- (1) Present evidence demonstrating how the criteria in RCW 43.280.010 will be met and demonstrating the effectiveness of the proposal.
- (2) Contain evidence of active participation of the community and its commitment to providing an effective treatment service for victims of sex offenders through the participation of local governments, tribal governments, human service and health organizations, and treatment entities and through meaningful involvement from others, including citizen groups.

[1990 c 3 § 1204.]

RCW 43.280.040 Organizations eligible.

Applicable Cases

Local governments, nonprofit community groups, and nonprofit treatment providers including organizations which provide services, such as emergency housing, counseling, and crisis intervention shall, among others, be eligible for grants under the program established in

RCW 43.280.020.

[1990 c 3 § 1205.]

RCW 43.280.050 Applications--Minimum requirements.

Applicable Cases

At a minimum, grant applications must include the following:

- (1) The geographic area from which the victims to be served are expected to come;
- (2) A description of the extent and effect of the needs of these victims within the relevant geographic area;
- (3) An explanation of how the funds will be used, their relationship to existing services available within the community, and the need that they will fulfill;
- (4) An explanation of what organizations were involved in the development of the proposal;
- (5) Documentation of capacity to provide core and specialized services, as defined in RCW 70.125.030, provided by the applicant, how the applicant intends to comply with service, data collection, and management standards established by the department; and
- (6) An evaluation methodology.

[1996 c 123 § 4; 1990 c 3 § 1206.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.060 Awarding of grants--Peer review committee.

Applicable Cases

- (1) Subject to funds appropriated by the legislature, the department of community, trade, and economic development shall make awards under the grant program established by RCW 43.280.020.
- (2) To aid the department of community, trade, and economic development in making its funding determinations, the department shall form a peer review committee comprised of individuals who are knowledgeable or experienced in the management or delivery of treatment services to victims of sex offenders. The peer review committee shall advise the department on the extent to which each eligible applicant meets the treatment and management standards, as developed by the department. The department shall consider this advice in making awards.
- (3) Activities funded under this section may be considered for funding in future years, but shall be considered under the same terms and criteria as new activities. Funding under this chapter shall not constitute an obligation by the state of Washington to provide ongoing funding.

[1996 c 123 § 5; 1995 c 399 § 114; 1990 c 3 § 1207.]

Notes:

Effective date--1996 c 123: See note following RCW 43.280.010.

RCW 43.280.070 Gifts, grants, and endowments.

Applicable Cases

The department of community, trade, and economic development may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

[1995 c 399 § 115; 1990 c 3 § 1208.]

RCW 43.280.080 Office of crime victims advocacy.

Applicable Cases

The office of crime victims advocacy is established in the department of community, trade, and economic development. The office shall assist communities in planning and implementing services for crime victims, advocate on behalf of crime victims in obtaining needed services and resources, and advise local and state governments on practices, policies, and priorities that impact crime victims. In addition, the office shall administer grant programs for sexual assault treatment and prevention services, as authorized in this chapter.

[1995 c 241 § 1.]

RCW 43.280.081 Office of crime victims advocacy--Reports on penalty assessments collection and use of funds for assistance to victims and witnesses of crime.

Applicable Cases

The office of crime victims advocacy shall report to the legislature on December 31, 1999, December 31, 2002, and December 31, 2005, regarding the collection of penalty assessments under chapter 122, Laws of 1996 and the use of collected funds to provide assistance to victims and witnesses of crime.

[1996 c 122 § 3.]

RCW 43.280.090 Office of crime victims advocacy--Ad hoc advisory committees.

Applicable Cases

The director of the department of community, trade, and economic development may establish ad hoc advisory committees, as necessary, to obtain advice and guidance regarding the office of crime victims advocacy program.

[1995 c 269 § 2102.]

Notes:

Reviser's note: 1995 c 269 directed that this section be added to chapter 43.63A RCW. This section has been codified in chapter 43.280 RCW, which relates more directly to the office of crime victims advocacy.

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 43.280.900 Index, part headings not law--1990 c 3.

Applicable Cases

See RCW 18.155.900.

RCW 43.280.901 Severability--1990 c 3.

Applicable Cases
See RCW 18.155.901.

RCW 43.280.902 Effective dates--Application--1990 c 3.

Applicable Cases
See RCW 18.155.902.

**Chapter 43.290 RCW
OFFICE OF INTERNATIONAL RELATIONS AND PROTOCOL**

RCW	
43.290.005	Finding--Purpose.
43.290.010	Office created.
43.290.020	Authority of office.
43.290.900	Effective date--1991 c 24.

RCW 43.290.005 Finding--Purpose.

Applicable Cases

The legislature finds that it is in the public interest to create an office of international relations and protocol in order to: Make international relations and protocol a broad-based, focused, and functional part of state government; develop and promote state policies that increase international literacy and cross-cultural understanding among Washington state's citizens; expand Washington state's international cooperation role in such areas as the environment, education, science, culture, and sports; establish coordinated methods for responding to the increasing number of inquiries by foreign governments and institutions seeking cooperative activities within Washington state; provide leadership in state government on international relations and assistance to the legislature and state elected officials on international issues affecting the state; assist with multistate international efforts; and coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs.

It is the purpose of this chapter to bring these functions together in a new office under the office of the governor in order to establish a visible, coordinated, and comprehensive approach to international relations and protocol.

[1991 c 24 § 1.]

Notes:

Transfer of authority--1991 c 24: "All powers, duties, and functions of the office of international relations and protocol in the department of trade and economic development are transferred to the office of international relations and protocol under the office of the governor." [1991 c 24 § 8.]

RCW 43.290.010 Office created.

Applicable Cases

The office of international relations and protocol is created under the office of the governor. The office shall serve as the state's official liaison and protocol office with foreign governments. The governor shall appoint a director of the office of international relations and protocol, who shall serve at the pleasure of the governor. Because of the diplomatic character of this office, the director and staff will be exempt from the provisions of chapter 41.06 RCW. The director will be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director may hire such personnel as may be necessary for the general administration of the office. To the extent permitted by law, state agencies may temporarily loan staff to the office of international relations and protocol to assist in carrying out the office's duties and responsibilities under this chapter. An arrangement to temporarily loan staff must have the approval of the staff members to be loaned and the directors of the office and the agencies involved in the loan.

[1991 c 24 § 2.]

RCW 43.290.020 Authority of office.

Applicable Cases

The office of international relations and protocol may:

(1) Create temporary advisory committees as necessary to deal with specific international issues. Advisory committee representation may include external organizations such as the Seattle consular corps, world affairs councils, public ports, world trade organizations, private nonprofit organizations dealing with international education or international environmental issues, organizations concerned with international understanding, businesses with experience in international relations, or other organizations deemed appropriate by the director.

(2) Accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this subsection. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

[1991 c 24 § 4.]

RCW 43.290.900 Effective date--1991 c 24.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

[1991 c 24 § 15.]

Chapter 43.292 RCW

INTERNATIONAL TRADING PARTNERS PROGRAM

RCW

- 43.292.005 Findings.
- 43.292.010 Pilot project to furnish technical assistance, training, and expertise--Procedures--Appointment of director and staff.
- 43.292.020 Pilot project--Enrollment of volunteers.
- 43.292.030 Volunteers' expenses--Arrangements for spouses--State indemnified.
- 43.292.040 Funding for volunteer activities.

RCW 43.292.005 Findings. (Expires December 31, 2000.)

Applicable Cases

The legislature believes that Washington state has hundreds of residents with expertise that they are willing to share with developing international trade partners on a volunteer basis. The legislature believes that by sharing their knowledge and skills, these volunteers could enrich the lives of all Washingtonians by promoting friendship and understanding between cultures, providing trained manpower improving the lives of their friends overseas, and creating a positive international image of Washington state.

[1996 c 253 § 201.]

Notes:

Findings--Purpose--1996 c 253: "(1) The legislature finds that:

- (a) Educational, cultural, and business exchange programs are important in developing mutually beneficial relationships between Washington state and other countries;
 - (b) Enhanced international trade, cultural, and educational opportunities are developed when cities, counties, ports, and others establish sister relationships with their counterparts in other countries;
 - (c) It is important to the economic future of the state to promote international awareness and understanding; and
 - (d) The state's economy and economic well-being depend heavily on foreign trade and international exchanges.
- (2) The legislature declares that the purpose of chapter 253, Laws of 1996 is to:
- (a) Enhance Washington state's ability to develop relationships and contacts throughout the world enabling us to expand international education and trade opportunities for all citizens of the state;
 - (b) Develop and maintain an international data base of contacts in international trade markets;
 - (c) Encourage outstanding international students who reside in countries with existing trade relationships to attend Washington state's institutions of higher education; and
 - (d) Encourage Washington students to attend institutions of higher education located in countries with existing trading relationships with Washington state." [1996 c 253 § 1.]

Expiration date--1996 c 253 §§ 201-205 and 301: "Sections 201 through 205 and 301 of this act shall expire December 31, 2000." [1996 c 253 § 502.]

Severability--1996 c 253: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 253 § 504.]

Part headings not law--1996 c 253: "Part headings as used in this act constitute no part of the law." [1996 c 253 § 505.]

RCW 43.292.010 Pilot project to furnish technical assistance, training, and

expertise--Procedures--Appointment of director and staff. (Expires December 31, 2000.)

Applicable Cases

The secretary of state may develop a pilot project to furnish developing international trading partners with technical assistance, training, and expertise through services provided by volunteers. The secretary of state shall establish appropriate procedures to carry out the project. The secretary of state may appoint a director of the project who serves at the pleasure of the secretary of state, and appropriate staff as funding allows, however, the secretary of state is responsible for the continuous supervision and general direction of the project.

[1996 c 253 § 202.]

Notes:

Expiration date--1996 c 253 §§ 201-205 and 301: See note following RCW 43.292.005.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

RCW 43.292.020 Pilot project--Enrollment of volunteers. (Expires December 31, 2000.)

Applicable Cases

(1) The secretary of state may enroll residents of Washington state in the project. These residents, referred to in this chapter as volunteers, shall be selected based on their skills, expertise, and language proficiency, the technical, educational, or training needs of the participating country, and other considerations deemed relevant by the secretary of state to furthering the goals and purposes of the project. The secretary of state shall consider for participation in the program retired persons, students, and persons whose skills and backgrounds will contribute to the success of the program. In carrying out this subsection, there shall be no discrimination against any person based on race, gender, creed, or color.

(2) Volunteers shall not be deemed officers or employees of the state of Washington or otherwise in the service or employment of, or holding office under, the state of Washington.

(3) The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other conditions of service of volunteers shall be exclusively those set forth by the terms of the project. Service as a volunteer may be terminated at any time at the pleasure of the secretary of state.

[1996 c 253 § 203.]

Notes:

Expiration date--1996 c 253 §§ 201-205 and 301: See note following RCW 43.292.005.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

RCW 43.292.030 Volunteers' expenses--Arrangements for spouses--State indemnified. (Expires December 31, 2000.)

Applicable Cases

(1) If funding is available, volunteers may be provided with living, travel, and leave allowances, and such housing, transportation, supplies, and equipment as the secretary of state

may deem necessary for their maintenance and to ensure their health and their capacity to serve effectively. Transportation may be provided to volunteers for travel to and from the country of service.

(2) The secretary of state may establish policies regarding arrangements for spouses and children of volunteers to accompany the volunteers abroad.

(3) The secretary of state shall indemnify the state for claims relating to the project.

[1996 c 253 § 204.]

Notes:

Expiration date--1996 c 253 §§ 201-205 and 301: See note following RCW 43.292.005.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

RCW 43.292.040 Funding for volunteer activities. (Expires December 31, 2000.)

Applicable Cases

Funding for the volunteer activities shall come from legislative appropriations, federal funds, private support funds, grant money available to implement technical assistance programs overseas, and such other funds as the secretary of state may receive.

[1996 c 253 § 205.]

Notes:

Expiration date--1996 c 253 §§ 201-205 and 301: See note following RCW 43.292.005.

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

**Chapter 43.300 RCW
DEPARTMENT OF FISH AND WILDLIFE**

RCW

43.300.005	Purpose.
43.300.010	Department created--Transfer of powers, duties, and functions.
43.300.020	Definitions.
43.300.040	Director's duties.
43.300.050	Exempt positions.
43.300.060	Enforcement in accordance with RCW 43.05.100 and 43.05.110.
43.300.070	Exchange of tidelands with private or public landowners.
43.300.900	Effective date--1993 sp.s. c 2 §§ 1-6, 8-59, and 61-79.
43.300.901	Severability--1993 sp.s. c 2.

RCW 43.300.005 Purpose.

Applicable Cases

Perpetuation of fish and wildlife in Washington requires clear, efficient, streamlined, scientific, management from a single state fish and wildlife agency. Such a consolidation will focus existing funds for the greatest protection of species and stocks. It will bring combined resources to bear on securing, managing, and enhancing habitats. It will simplify licensing,

amplify research, increase field staff, avoid duplication, and magnify enforcement of laws and rules. It will provide all fishers, hunters, and observers of fish and wildlife with a single source of consistent policies, procedures, and access.

[1993 sp.s. c 2 § 1.]

RCW 43.300.010 Department created--Transfer of powers, duties, and functions.

Applicable Cases

There is hereby created a department of state government to be known as the department of fish and wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law. All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.

[1993 sp.s. c 2 § 2.]

RCW 43.300.020 Definitions.

Applicable Cases

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

- (1) "Department" means the department of fish and wildlife.
- (2) "Director" means the director of fish and wildlife.
- (3) "Commission" means the fish and wildlife commission.

[1993 sp.s. c 2 § 3.]

RCW 43.300.040 Director's duties.

Applicable Cases

In addition to other powers and duties granted or transferred to the director, the commission may delegate to the director any of the powers and duties vested in the commission.

[1996 c 267 § 33; 1993 sp.s. c 2 § 5.]

Notes:

Intent--Effective date--1996 c 267: See notes following RCW 75.08.011.

RCW 43.300.050 Exempt positions.

Applicable Cases

The director shall appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW.

[1993 sp.s. c 2 § 6.]

RCW 43.300.060 Enforcement in accordance with RCW 43.05.100 and 43.05.110.

Applicable Cases

Enforcement action taken after July 23, 1995, by the director or the department shall be in accordance with RCW 43.05.100 and 43.05.110.

[1995 c 403 § 627.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 43.300.070 Exchange of tidelands with private or public landowners.

Applicable Cases

(1) The department of fish and wildlife may exchange the tidelands and shorelands it manages with private or public landowners if the exchange is in the public interest.

(2) As used in this section, an exchange of tidelands and shorelands is in the public interest if the exchange would provide significant fish and wildlife habitat or public access to the state's waterways.

[1997 c 209 § 3.]

Notes:

Finding--1997 c 209: "The legislature finds that the department of fish and wildlife manages a large amount of public land and that the department may have opportunities to improve the quality of its land holdings by participating in an exchange with private landowners or other public entities. The legislature declares that it is in the public interest to allow the department to exchange land with private landowners or with public entities if the exchange would provide significant fish and wildlife habitat or public access to the state's waterways." [1997 c 209 § 1.]

Effective date--1997 c 209: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 25, 1997]." [1997 c 209 § 4.]

RCW 43.300.900 Effective date--1993 sp.s. c 2 §§ 1-6, 8-59, and 61-79.

Applicable Cases

Sections 1 through 6, 8 through 59, and 61 through 79, chapter 2, Laws of 1993 sp. sess. shall take effect March 1, 1994.

[1994 c 6 § 4; 1993 sp.s. c 2 § 102.]

RCW 43.300.901 Severability--1993 sp.s. c 2.

Applicable Cases

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

[1993 sp.s. c 2 § 106.]

Chapter 43.310 RCW

YOUTH GANGS

RCW

43.310.005	Finding.
43.310.007	Intent--Prevention and intervention pilot programs.
43.310.010	Definitions.
43.310.020	Gang risk prevention and intervention pilot programs--Request for proposals.
43.310.030	Gang risk prevention and intervention pilot programs--Scope.
43.310.040	Cultural awareness retreats.

RCW 43.310.005 Finding.

Applicable Cases

The legislature finds and declares that:

(1) The number of youth who are members and associates of gangs and commit gang violence has significantly increased throughout the entire greater Puget Sound, Spokane, and other areas of the state;

(2) Youth gang violence has caused a tremendous strain on the progress of the communities impacted. The loss of life, property, and positive opportunity for growth caused by youth gang violence has reached intolerable levels. Increased youth gang activity has seriously strained the budgets of many local jurisdictions, as well as threatened the ability of the educational system to educate our youth;

(3) Among youth gang members the high school drop-out rate is significantly higher than among nongang members. Since the economic future of our state depends on a highly educated and skilled work force, this high school drop-out rate threatens the economic welfare of our future work force, as well as the future economic growth of our state;

(4) The unemployment rate among youth gang members is higher than that among the general youth population. The unusual unemployment rate, lack of education and skills, and the increased criminal activity could significantly impact our future prison population;

(5) Most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems. The subcultural designation means that youth gang participation and violence can be effectively reduced in Washington communities and schools through the involvement of community, educational, criminal justice, and employment systems working in a unified manner with parents and individuals who have a firsthand knowledge of youth gangs and at-risk youth; and

(6) A strong unified effort among parents and community, educational, criminal justice, and employment systems would facilitate: (a) The learning process; (b) the control and reduction of gang violence; (c) the prevention of youth joining negative gangs; and (d) the intervention into youth gangs.

[1993 c 497 § 1.]

RCW 43.310.007 Intent--Prevention and intervention pilot programs.

Applicable Cases

It is the intent of the legislature to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government. It is also the intent of the legislature that if the prevention and intervention pilot programs are determined to be effective in reducing problems associated with youth gang violence, that other counties in the state be eligible to receive special state funding to establish similar positive prevention and intervention programs.

[1993 c 497 § 2.]

RCW 43.310.010 Definitions.

Applicable Cases

Unless the context otherwise requires, the following definitions shall apply throughout RCW 43.310.005 through 43.310.040 and *sections 5 and 7 through 10, chapter 497, Laws of 1993:

(1) "School" means any public school within a school district any portion of which is in a county with a population of over one hundred ninety thousand.

(2) "Community organization" means any organization recognized by a city or county as such, as well as private, nonprofit organizations registered with the secretary of state.

(3) "Gang risk prevention and intervention pilot program" means a community-based positive prevention and intervention program for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth directed at all of the following:

(a) Reducing the probability of youth involvement in gang activities and consequent violence.

(b) Establishing ties, at an early age, between youth and community organizations.

(c) Committing local business and community resources to positive programming for youth.

(d) Committing state resources to assist in creating the gang risk prevention and intervention pilot programs.

(4) "Cultural awareness retreat" means a program that temporarily relocates at-risk youth or gang members and their parents from their usual social environment to a different social environment, with the specific purpose of having them performing activities which will enhance or increase their positive behavior and potential life successes.

[1993 c 497 § 3.]

Notes:

***Reviser's note:** Sections 5 and 7 through 10, chapter 497, Laws of 1993 were vetoed by the governor.

RCW 43.310.020 Gang risk prevention and intervention pilot programs--Request for proposals.

Applicable Cases

(1) The department of community, trade, and economic development may recommend existing programs or contract with either school districts or community organizations, or both,

through a request for proposal process for the development, administration, and implementation in the county of community-based gang risk prevention and intervention pilot programs.

(2) Proposals by the school district for gang risk prevention and intervention pilot program grant funding shall begin with school years no sooner than the 1994-95 session, and last for a duration of two years.

(3) The school district or community organization proposal shall include:

(a) A description of the program goals, activities, and curriculum. The description of the program goals shall include a list of measurable objectives for the purpose of evaluation by the department of community, trade, and economic development. To the extent possible, proposals shall contain empirical data on current problems, such as drop-out rates and occurrences of violence on and off campus by school-age individuals.

(b) A description of the individual school or schools and the geographic area to be affected by the program.

(c) A demonstration of broad-based support for the program from business and community organizations.

(d) A clear description of the experience, expertise, and other qualifications of the community organizations to conduct an effective prevention and intervention program in cooperation with a school or a group of schools.

(e) A proposed budget for expenditure of the grant.

(4) Grants awarded under this section may not be used for the administrative costs of the school district or the individual school.

[1995 c 399 § 116; 1993 c 497 § 4.]

RCW 43.310.030 Gang risk prevention and intervention pilot programs--Scope.

Applicable Cases

Gang risk prevention and intervention pilot programs shall include, but are not limited to:

(1) Counseling for targeted at-risk students, parents, and families, individually and collectively.

(2) Exposure to positive sports and cultural activities, promoting affiliations between youth and the local community.

(3) Job training, which may include apprentice programs in coordination with local businesses, job skills development at the school, or information about vocational opportunities in the community.

(4) Positive interaction with local law enforcement personnel.

(5) The use of local organizations to provide job search training skills.

(6) Cultural awareness retreats.

(7) The use of specified state resources, as requested.

(8) Full service schools under *section 9 of this act.

(9) Community service such as volunteerism and citizenship.

[1993 c 497 § 6.]

Notes:

***Reviser's note:** Section 9, chapter 497, Laws of 1993 was vetoed by the governor.

RCW 43.310.040 Cultural awareness retreats.

Applicable Cases

Cultural awareness retreats shall include but are not limited to the following programs:

- (1) To develop positive attitudes and self-esteem.
- (2) To develop youth decision-making ability.
- (3) To assist with career development and educational development.
- (4) To help develop respect for the community, and ethnic origin.

[1993 c 497 § 11.]

**Chapter 43.320 RCW
DEPARTMENT OF FINANCIAL INSTITUTIONS**

RCW

43.320.005	Finding.
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RCW 43.320.005 Finding.

Applicable Cases

The legislature finds that, given the overlap of powers and products in the companies regulated, the consolidation of the agencies regulating financial institutions and securities into one department will better serve the public interest through more effective use of staff expertise. Therefore, for the convenience of administration and the centralization of control and the more effective use of state resources and expertise, the state desires to combine the regulation of financial institutions and securities into one department.

[1993 c 472 § 1.]

RCW 43.320.007 Regulatory reform--Findings--Construction--1994 c 256.

Applicable Cases

(1) The legislature finds that the financial services industry is experiencing a period of rapid change with the development and delivery of new products and services and advances in technology.

(2) The legislature further finds it in the public interest to strengthen the regulation, supervision, and examination of business entities furnishing financial services to the people of this state and that this can be accomplished by streamlining and focusing regulation to reduce costs, increase effectiveness, and foster efficiency by eliminating requirements that are not necessary for the protection of the public.

(3) The provisions of chapter 256, Laws of 1994 should not be construed to limit the ability of the director of financial institutions to implement prudent regulation, prevent unsafe, unsound, and fraudulent practices, and undertake necessary enforcement actions to protect the public and promote the public interest.

[1994 c 256 § 1.]

RCW 43.320.010 Department created.

Applicable Cases

A state department of financial institutions, headed by the director of financial institutions, is created. The department shall be organized and operated in a manner that to the fullest extent permissible under applicable law protects the public interest, protects the safety and soundness of depository institutions and entities under the jurisdiction of the department, ensures access to the regulatory process for all concerned parties, and protects the interests of investors. The department of financial institutions shall be structured to reflect the unique differences in the types of institutions and areas it regulates.

[1993 c 472 § 2.]

RCW 43.320.011 Department of general administration and department of licensing powers and duties transferred.

Applicable Cases

(1) All powers, duties, and functions of the department of general administration under Titles 30, 31, 32, 33, and 43 RCW and any other title pertaining to duties relating to banks,

savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, and other similar institutions are transferred to the department of financial institutions. All references to the director of general administration, supervisor of banking, or the supervisor of savings and loan associations in the Revised Code of Washington are construed to mean the director of the department of financial institutions when referring to the functions transferred in this section. All references to the department of general administration in the Revised Code of Washington are construed to mean the department of financial institutions when referring to the functions transferred in this subsection.

(2) All powers, duties, and functions of the department of licensing under chapters 18.44, 19.100, 19.110, 21.20, 21.30, and 48.18A RCW and any other statute pertaining to the regulation under the chapters listed in this subsection of escrow agents, securities, franchises, business opportunities, commodities, and any other speculative investments are transferred to the department of financial institutions. All references to the director or department of licensing in the Revised Code of Washington are construed to mean the director or department of financial institutions when referring to the functions transferred in this subsection.

[1995 c 238 § 6; 1993 c 472 § 6.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

RCW 43.320.012 Department of general administration and department of licensing equipment, records, funds transferred.

Applicable Cases

All reports, documents, surveys, books, records, files, papers, or other written or electronically stored material in the possession of the department of general administration or the department of licensing and pertaining to the powers, functions, and duties transferred by RCW 43.320.011 shall be delivered to the custody of the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property purchased by the division of banking and the division of savings and loan in carrying out the powers, functions, and duties transferred by RCW 43.320.011 shall be transferred to the department of financial institutions. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of licensing in carrying out the powers, functions, and duties transferred by RCW 43.320.011 shall be made available to the department of financial institutions. All funds, credits, or other assets held by the department of general administration or the department of licensing in connection with the powers, functions, and duties transferred by RCW 43.320.011 shall be assigned to the department of financial institutions.

Any appropriations made to the department of general administration or the department of licensing for carrying out the powers, functions, and duties transferred by RCW 43.320.011 shall, on October 1, 1993, be transferred and credited to the department of financial institutions.

If a dispute arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and

the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

[1993 c 472 § 7.]

RCW 43.320.013 Department of general administration and department of licensing civil service employees transferred.

Applicable Cases

All employees classified under chapter 41.06 RCW, the state civil service law, who are employees of the department of general administration or the department of licensing engaged in performing the powers, functions, and duties transferred by RCW 43.320.011, except those under chapter 18.44 RCW, are transferred to the department of financial institutions. All such employees are assigned to the department of financial institutions to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

[1995 c 238 § 7; 1993 c 472 § 9.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

RCW 43.320.014 Department of general administration or department of licensing rules, business, contracts, and obligations continued.

Applicable Cases

All rules and all pending business before the department of general administration or the department of licensing pertaining to the powers, functions, and duties transferred by RCW 43.320.011 shall be continued and acted upon by the department of financial institutions. All existing contracts and obligations shall remain in full force and shall be performed by the department of financial institutions.

[1993 c 472 § 10.]

RCW 43.320.015 Department of general administration and department of licensing--Validity of acts.

Applicable Cases

The transfer of the powers, duties, functions, and personnel of the department of general administration or the department of licensing under RCW 43.320.011 through 43.320.014 does not affect the validity of any act performed by such an employee before October 1, 1993.

[1993 c 472 § 11.]

RCW 43.320.016 Apportionment of budgeted funds.

Applicable Cases

If apportionments of budgeted funds are required because of the transfers directed by RCW 43.320.011 through 43.320.015, the director of financial management shall certify the

apportionments to the agencies affected, to the state auditor, and to the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

[1993 c 472 § 12.]

RCW 43.320.017 Collective bargaining agreements.

Applicable Cases

Nothing contained in RCW 43.320.011 through 43.320.015 may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the expiration date of the current agreement or until the bargaining unit has been modified by action of the *personnel board as provided by law.

[1993 c 472 § 13.]

Notes:

***Reviser's note:** Powers, duties, and functions of the higher education personnel board and the state personnel board were transferred to the Washington personnel resources board by 1993 c 281, effective July 1, 1994.

RCW 43.320.020 Director--Salary--Powers and duties--Examiners, assistants, personnel.

Applicable Cases

The director of financial institutions shall be appointed by the governor and shall exercise all powers and perform all of the duties and functions transferred under RCW 43.320.011, and such other powers and duties as may be authorized by law. The director may deputize, appoint, and employ examiners and other such assistants and personnel as may be necessary to carry on the work of the department. The director of financial institutions shall receive a salary in an amount fixed by the governor.

[1993 c 472 § 3.]

RCW 43.320.030 Director--Qualifications--Conflicts of interest.

Applicable Cases

A person is not eligible for appointment as director of financial institutions unless he or she is, and for the last two years before his or her appointment has been, a citizen of the United States. A person is not eligible for appointment as director of financial institutions if he or she has an interest at the time of appointment, as a director, trustee, officer, or stockholder in any bank, savings bank, savings and loan association, credit union, consumer loan company, trust company, securities broker-dealer or investment advisor, or other institution regulated by the department.

[1993 c 472 § 4.]

RCW 43.320.040 Director's authority to adopt rules.

Applicable Cases

The director of financial institutions may adopt any rules, under chapter 34.05 RCW,

necessary to implement the powers and duties of the director under this chapter.

[1993 c 472 § 5.]

RCW 43.320.050 Assistant directors--Divisions--"FDIC" defined.

Applicable Cases

The director of financial institutions may appoint assistant directors for each of the divisions of the department and delegate to them the power to perform any act or duty conferred upon the director. The director is responsible for the official acts of these assistant directors.

The department of financial institutions shall consist of at least the following four divisions: The division of FDIC insured institutions, with regulatory authority over all state-chartered FDIC insured institutions; the division of credit unions, with regulatory authority over all state-chartered credit unions; the division of consumer affairs, with regulatory authority over state-licensed nondepository lending institutions and other regulated entities; and the division of securities, with regulatory authority over securities, franchises, business opportunities, and commodities. The director of financial institutions is granted broad administrative authority to add additional responsibilities to these divisions as necessary and consistent with applicable law.

For purposes of this section, "FDIC" means the Federal Deposit Insurance Corporation.

[1993 c 472 § 8.]

RCW 43.320.060 Deputization of assistant to exercise powers and duties of director.

Applicable Cases

The director of financial institutions shall appoint, deputize, and employ examiners and such other assistants and personnel as may be necessary to carry on the work of the department of financial institutions.

In the event of the director's absence the director shall have the power to deputize one of the assistants of the director to exercise all the powers and perform all the duties prescribed by law with respect to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, securities, franchises, business opportunities, commodities, escrow agents, and other similar institutions or areas that are performed by the director so long as the director is absent: PROVIDED, That such deputized assistant shall not have the power to approve or disapprove new charters, licenses, branches, and satellite facilities, unless such action has received the prior written approval of the director. Any person so deputized shall possess the same qualifications as those set out in this section for the director.

[1995 c 238 § 8; 1993 c 472 § 20; 1977 ex.s. c 185 § 1; 1965 c 8 § 43.19.020. Prior: 1955 c 285 § 5; prior: (i) 1919 c 209 § 2; 1917 c 80 § 2; RRS § 3209. (ii) 1945 c 123 § 1; 1935 c 176 § 12; Rem. Supp. 1945 § 10786-11. Formerly RCW 43.19.020.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

RCW 43.320.070 Oath of examiners--Liability for acts performed in good faith.

Applicable Cases

Before entering office each examiner shall take and subscribe an oath faithfully to discharge the duties of the office.

Oaths shall be filed with the secretary of state.

Neither the director of financial institutions, any deputized assistant of the director, nor any examiner or employee shall be personally liable for any act done in good faith in the performance of his or her duties.

[1993 c 472 § 21; 1977 ex.s. c 270 § 8; 1975 c 40 § 7; 1965 c 8 § 43.19.030. Prior: 1943 c 217 § 1; 1919 c 209 § 3; 1917 c 80 § 3; Rem. Supp. 1943 § 3210. Formerly RCW 43.19.030.]

Notes:

Construction--1977 ex.s. c 270: See RCW 43.19.19364.

Powers and duties of director of general administration as to official bonds: RCW 43.19.540.

RCW 43.320.080 Director to maintain office in Olympia--Record of receipts and disbursements--Deposit of funds.

Applicable Cases

The director of financial institutions shall maintain an office at the state capitol, but may with the consent of the governor also maintain branch offices at other convenient business centers in this state. The director shall keep books of record of all moneys received or disbursed by the director into or from the banking examination fund, the credit union examination fund, the securities regulation fund, and any other accounts maintained by the department of financial institutions.

[1993 c 472 § 22; 1965 c 8 § 43.19.050. Prior: 1917 c 80 § 4; RRS § 3211. Formerly RCW 43.19.050.]

RCW 43.320.090 Borrowing money by director, deputy, or employee--Penalty.

Applicable Cases

(1) It shall be unlawful for the director of financial institutions, any deputized assistant of the director, or any employee of the department of financial institutions to borrow money from any bank, consumer loan company, credit union, foreign bank branch, savings bank, savings and loan association, or trust company or department, securities broker-dealer or investment advisor, or similar lending institution under the department's direct jurisdiction unless the extension of credit:

(a) Is made on substantially the same terms (including interest rates and collateral) as, and following credit underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the financial institution with other persons that are not employed by either the department or the institution; and

(b) Does not involve more than the normal risk of repayment or present other unfavorable features.

(2) The director of the office of financial management shall adopt rules, policies, and

procedures interpreting and implementing this section.

(3) Every person who knowingly violates this section shall forfeit his or her office or employment and be guilty of a gross misdemeanor.

[1993 c 472 § 23; 1965 c 8 § 43.19.080. Prior: 1917 c 80 § 11; RRS § 3218. Formerly RCW 43.19.080.]

RCW 43.320.100 Annual report--Contents.

Applicable Cases

The director of financial institutions shall file in his or her office all reports required to be made to the director, prepare and furnish to banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments blank forms for such reports as are required of them, and each year make a report to the governor showing:

(1) A summary of the conditions of the banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, and trust companies and departments at the date of their last report; and

(2) A list of those organized or closed during the year.

The director may publish such other statements, reports, and pamphlets as he or she deems advisable.

[1993 c 472 § 24; 1977 c 75 § 43; 1965 c 8 § 43.19.090. Prior: 1917 c 80 § 13; RRS § 3220. Formerly RCW 43.19.090.]

RCW 43.320.110 Banking examination fund.

Applicable Cases

There is created a local fund known as the "banking examination fund" which shall consist of all moneys received by the department of financial institutions from banks, savings banks, foreign bank branches, savings and loan associations, consumer loan companies, check cashers and sellers, trust companies and departments, and escrow agents, and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the proper regulation of these companies. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

[1995 c 238 § 9; 1993 c 472 § 25; 1981 c 241 § 1. Formerly RCW 43.19.095.]

Notes:

Effective date--1995 c 238: See note following RCW 18.44.011.

Effective date--1981 c 241: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 241 § 4.]

RCW 43.320.120 Credit unions examination fund.

Applicable Cases

There is created a local fund known as the "credit unions examination fund" which shall consist of all moneys received by the department of financial institutions from credit unions and which shall be used for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the regulation of these institutions. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

[1993 c 472 § 26; 1981 c 241 § 2. Formerly RCW 43.19.112.]

Notes:

Effective date--1981 c 241: See note following RCW 43.19.095.

RCW 43.320.130 Securities regulation fund.

Applicable Cases

There is created in the state treasury a fund known as the "securities regulation fund" that shall consist of thirteen percent of all moneys received by the division of securities of the department of financial institutions. Expenditures from the account may be used only for the purchase of supplies and necessary equipment and the payment of salaries, wages, utilities, and other incidental costs required for the regulation of securities, franchises, business opportunities, commodities, and other similar areas regulated by the division. Moneys in the account may be spent only after appropriation.

[1993 c 472 § 27.]

RCW 43.320.900 Effective date--1993 c 472.

Applicable Cases

This act takes effect October 1, 1993.

[1993 c 472 § 31.]

RCW 43.320.901 Implementation--1993 c 472.

Applicable Cases

The directors of the department of general administration and the department of licensing shall take such steps as are necessary to ensure that this act is implemented on October 1, 1993.

[1993 c 472 § 32.]

Chapter 43.330 RCW

DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Revised Code of Washington, 1999

RCW

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- 43.330.900 References to director and department.
- 43.330.901 Captions.
- 43.330.902 Effective date--1993 c 280.
- 43.330.9021 Effective date--1994 c 5.
- 43.330.903 Severability--1993 c 280.
- 43.330.904 Transfer of certain state energy office powers, duties, and functions--References to director--Appointment of assistant director.

Notes:

Industrial projects of state-wide significance--Appointment of ombudsmen: RCW 43.157.030.

RCW 43.330.005 Intent.

Applicable Cases

The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a merged department of community, trade, and economic development that fosters new partnerships for strong and sustainable communities. The consolidation of the department of trade and economic development and the department of community development into one department will: Streamline access to services by providing a simpler point of entry for state programs; provide focused and flexible responses to changing economic conditions; generate greater local capacity to respond to both economic growth and environmental challenges; and increase accountability to the public, the executive branch, and the legislature.

A new department can bring together a focused effort to: Manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; construct public infrastructure; protect our cultural heritage; and promote the health and safety of the state's citizens.

The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in this consolidation to maximize the use of local expertise and resources in the delivery of community and economic development services.

[1993 c 280 § 1.]

RCW 43.330.007 Management responsibility.

Applicable Cases

The purpose of this chapter is to establish the broad outline of the structure of the department of community, trade, and economic development, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the new department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes through the implementation plan required in section 8, chapter 280, Laws of 1993.

[1993 c 280 § 2.]

Notes:

Implementation plan--1994 c 5; 1993 c 280: "(1) The director of the department of trade and economic development and the director of the department of community development shall, by November 15, 1993, jointly submit a plan to the governor for the consolidation and smooth transition of the department of trade and economic development and the department of community development into the department of community, trade, and economic development so that the department will operate as a single entity on March 1, 1994.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for combining the existing functions and responsibilities of both agencies into a coordinated and unified department including a strategic plan for each major program area that includes implementation steps, evaluation measures, and methods for collaboration among programs;

(b) Recommendations for any changes in existing programs and functions of both agencies, including new initiatives and possible transfer of programs and functions to and from other departments;

(c) Implementation steps necessary to bring about operation of the combined department as a single entity;

(d) Benchmarks by which to measure progress and to evaluate the performance and effectiveness of the department's efforts; and

(e) Strategies for coordinating and maximizing federal, state, local, international, and private sector support for community and economic development efforts within the state.

(3) In developing this plan, the directors shall establish an advisory committee of representatives of groups using services and programs of both departments. The advisory committee shall include representatives of cities, counties, port districts, small and large businesses, labor unions, associate development organizations, low-income housing interests, housing industry, Indian tribes, community action programs, public safety groups, nonprofit community and development organizations, international trade organizations, minority and women business organizations, and any other organizations the directors determine should have input to the plan." [1994 c 5 § 1; 1993 c 280 § 8.]

RCW 43.330.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

[1993 c 280 § 3.]

RCW 43.330.020 Department created.

Applicable Cases

A department of community, trade, and economic development is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided in chapter 280, Laws of 1993, the existing responsibilities and functions of

the agency programs will continue to be administered in accordance with their implementing legislation.

[1993 c 280 § 4.]

RCW 43.330.030 Director--Appointment--Salary.

Applicable Cases

The executive head of the department shall be the director. The director shall be appointed by the governor with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

[1993 c 280 § 5.]

RCW 43.330.040 Director powers and duties.

Applicable Cases

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

- (a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;
- (b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;
- (c) Accept and expend gifts and grants, whether such grants be of federal or other funds;
- (d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;
- (e) Prepare and submit budgets for the department for executive and legislative action;
- (f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;
- (g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;
- (h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and
- (i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

[1993 c 280 § 6.]

RCW 43.330.050 Community and economic development responsibilities.

Applicable Cases

The department shall be responsible for promoting community and economic development within the state by assisting the state's communities to increase the quality of life of their citizens and their economic vitality, and by assisting the state's businesses to maintain and increase their economic competitiveness, while maintaining a healthy environment. Community and economic development efforts shall include: Efforts to increase economic opportunity; local planning to manage growth; the promotion and provision of affordable housing and housing-related services; providing public infrastructure; business and trade development; assisting firms and industrial sectors to increase their competitiveness; fostering the development of minority and women-owned businesses; facilitating technology development, transfer, and diffusion; community services and advocacy for low-income persons; and public safety efforts. The department shall have the following general functions and responsibilities:

(1) Provide advisory assistance to the governor, other state agencies, and the legislature on community and economic development matters and issues;

(2) Assist the governor in coordinating the activities of state agencies that have an impact on local government and communities;

(3) Cooperate with the legislature and the governor in the development and implementation of strategic plans for the state's community and economic development efforts;

(4) Solicit private and federal grants for economic and community development programs and administer such programs in conjunction with other programs assigned to the department by the governor or the legislature;

(5) Cooperate with and provide technical and financial assistance to local governments,

businesses, and community-based organizations serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state, and, unless stipulated otherwise, give additional consideration to local communities and individuals with the greatest relative need and the fewest resources;

(6) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states and provinces or their subdivisions;

(7) Hold public hearings and meetings to carry out the purposes of this chapter;

(8) Conduct research and analysis in furtherance of the state's economic and community development efforts including maintenance of current information on market, demographic, and economic trends as they affect different industrial sectors, geographic regions, and communities with special economic and social problems in the state; and

(9) Develop a schedule of fees for services where appropriate.

[1993 c 280 § 7.]

RCW 43.330.060 Trade and business responsibilities.

Applicable Cases

(1) The department shall assist in expanding the state's role as an international center of trade, culture, and finance. The department shall promote and market the state's products and services internationally in close cooperation with other private and public international trade efforts and act as a centralized location for the assimilation and distribution of trade information.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in work force training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools and by assisting in targeting and improving the efficiency of existing investment mechanisms.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to increased investment and employment and becoming full participants in Washington's traded sector economy.

[1993 c 280 § 9.]

Notes:

Tacoma world trade center--1993 c 134: "The legislature recognizes that export opportunities for small and medium-sized businesses stimulates economic growth. Within current resources, the department of trade and economic development shall work with the Tacoma world trade center, to assist small and medium-sized businesses with export opportunities." [1993 c 134 § 1.]

RCW 43.330.065 Identification of countries of strategic importance for international trade relations.

Applicable Cases

The department of community, trade, and economic development, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security department shall identify up to fifteen countries that are of strategic importance to the development of Washington's international trade relations.

[1996 c 253 § 303.]

Notes:

Findings--Purpose--Severability--Part headings not law--1996 c 253: See notes following RCW 43.292.005.

RCW 43.330.070 Local development capacity--Training and technical assistance.

Applicable Cases

(1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state. The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

[1993 c 280 § 10.]

RCW 43.330.075 Local government regulation and policy handouts--Technical assistance.

Applicable Cases

The department shall provide technical assistance in the compilation of and support in the production of the handouts to be published and kept current by counties and cities under RCW 36.70B.220.

[1996 c 206 § 11.]

Notes:

Findings--1996 c 206: See note following RCW 43.05.030.

RCW 43.330.080 Coordination of community and economic development services--Contracts with associate development organizations--Targeted sectors.

Applicable Cases

(1) The department shall contract with associate development organizations or other local organizations to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, private industry councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The department shall be responsible for determining the scope of services delivered under these contracts.

(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.

(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.

(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the

department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate information about economic trends and specific employer and employee needs in the region.

(5) The contracting organization shall participate with the work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board, in providing for the coordination of job skills training within its region.

[1997 c 60 § 1; 1993 c 280 § 11.]

RCW 43.330.090 Economic diversification strategies--Tourism expansion--Targeted sectors.

Applicable Cases

(1) The department shall work with private sector organizations, local governments, local economic development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ensure that the state continues to pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition, the department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(3) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or

private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

[1998 c 245 § 85; 1994 c 144 § 1; 1993 c 280 § 12.]

Notes:

Effective date--1994 c 144: "This act shall take effect July 1, 1994." [1994 c 144 § 3.]

RCW 43.330.092 Film and video promotion account--Promotion of film and video production industry.

Applicable Cases

The film and video promotion account is created in the state treasury. All receipts from RCW 36.102.060(14) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of promotion of the film and video production industry in the state of Washington.

[1997 c 220 § 222 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

Referendum--Other legislation limited--Legislators' personal intent not indicated--Reimbursements for election--Voters' pamphlet, election requirements--1997 c 220: See RCW 36.102.800 through 36.102.803.

Part headings not law--Severability--1997 c 220: See RCW 36.102.900 and 36.102.901.

RCW 43.330.094 Tourism development and promotion account--Promotion of tourism industry.

Applicable Cases

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of promotion of the tourism industry in the state of Washington.

[1997 c 220 § 223 (Referendum Bill No. 48, approved June 17, 1997).]

Notes:

Referendum--Other legislation limited--Legislators' personal intent not indicated--Reimbursements for election--Voters' pamphlet, election requirements--1997 c 220: See RCW 36.102.800 through 36.102.803.

Part headings not law--Severability--1997 c 220: See RCW 36.102.900 and 36.102.901.

RCW 43.330.095 Tourism development advisory committee. (Expires June 30, 2008.)

Applicable Cases

(1) *The tourism development advisory committee is created within the department. The committee shall have a total of fifteen members. There shall be one member from each of the two largest political caucuses in the house of representatives and senate appointed by the speaker of the house of representatives and the president of the senate, respectively. The remaining eleven members shall be appointed by the director and shall represent the travel industry. When making appointments, the director shall ensure to the greatest extent possible that the industry representatives include all sectors of the travel industry in Washington state and are diverse with respect to region of the state, gender, and ethnicity.*

(2) *The tourism development advisory committee shall meet at such times designated by the director but not less than twice per calendar year. The committee shall review and comment on the tourism development plan presented by the department and advise the director concerning tourism activities the department should undertake.*

(3) *This section expires June 30, 2008.*

[1998 c 299 § 2.]

Notes:

Intent--Effective date--1998 c 299: See notes following RCW 43.88.093.

RCW 43.330.096 Tourism development program--Report to the legislature. (Expires June 30, 2008.)

Applicable Cases

(1) *On or before June 30th of each fiscal year, the department shall submit a report to the appropriate policy and fiscal committees of the house of representatives and senate that describes the tourism development program for the previous fiscal year and quantifies the financial benefits to the state. The report must contain information concerning targeted markets, benefits to different areas of the state, return on the state's investment, and other relevant information related to tourism development.*

(2) *This section expires June 30, 2008.*

[1998 c 299 § 5.]

Notes:

Intent--Effective date--1998 c 299: See notes following RCW 43.88.093.

RCW 43.330.100 Local infrastructure and public facilities--Grants and loans.

Applicable Cases

(1) The department shall support the development and maintenance of local infrastructure and public facilities and provide local communities with flexible sources of funding. The department shall coordinate grant and loan programs that provide infrastructure and investment in local communities. This shall include coordinating funding for eligible projects with other federal, state, local, private, and nonprofit funding sources.

(2) At a minimum, the department shall provide coordinated procedures for applying for and tracking grants and loans among and between the community economic revitalization board, the public works trust fund, and community development block grants.

[1993 c 280 § 13.]

RCW 43.330.110 Housing--Energy assistance.

Applicable Cases

(1) The department shall maintain an active effort to help communities, families, and individuals build and maintain capacity to meet housing needs in Washington state. The department shall facilitate partnerships among the many entities related to housing issues and leverage a variety of resources and services to produce comprehensive, cost-effective, and innovative housing solutions.

(2) The department shall assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for very low, low, and moderate-income persons; operate programs to assist home ownership, offer housing services, and provide emergency, transitional, and special needs housing services; and qualify as a participating state agency for all programs of the federal department of housing and urban development or its successor. The department shall develop or assist local governments in developing housing plans required by the state or federal government.

(3) The department shall coordinate and administer energy assistance and residential energy conservation and rehabilitation programs of the federal and state government through nonprofit organizations, local governments, and housing authorities.

[1993 c 280 § 14.]

RCW 43.330.120 Growth management.

Applicable Cases

(1) The department shall serve as the central coordinator for state government in the implementation of the growth management act, chapter 36.70A RCW. The department shall work closely with all Washington communities planning for future growth and responding to the pressures of urban sprawl. The department shall ensure coordinated implementation of the growth management act by state agencies.

(2) The department shall offer technical and financial assistance to cities and counties planning under the growth management act. The department shall help local officials interpret and implement the different requirements of the act through workshops, model ordinances, and information materials.

(3) The department shall provide alternative dispute resolution to jurisdictions and organizations to mediate disputes and to facilitate consistent implementation of the growth management act. The department shall review local governments compliance with the requirements of the growth management act and make recommendations to the governor.

[1993 c 280 § 15.]

RCW 43.330.125 Assistance to counties and cities.

Applicable Cases

The department of community, trade, and economic development shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.70B RCW.

[1995 c 347 § 430.]

Notes:

Finding--Severability--Part headings and table of contents not law--1995 c 347: See notes following RCW 36.70A.470.

RCW 43.330.130 Services to poor and disadvantaged persons--Preschool children--Substance abuse--Family services--Fire protection and emergency management.

Applicable Cases

(1) The department shall coordinate services to communities that are directed to the poor and disadvantaged through private and public nonprofit organizations and units of general purpose local governments. The department shall coordinate these programs using, to the extent possible, integrated case management methods, with other community and economic development efforts that promote self-sufficiency.

(2) These services may include, but not be limited to, comprehensive education services to preschool children from low-income families, providing for human service needs and advocacy, promoting volunteerism and citizen service as a means for accomplishing local community and economic development goals, coordinating and providing emergency food assistance to distribution centers and needy individuals, and providing for human service needs through community-based organizations.

(3) The department shall provide local communities and at-risk individuals with programs that provide community protection and assist in developing strategies to reduce substance abuse. The department shall administer programs that develop collaborative approaches to prevention, intervention, and interdiction programs. The department shall administer programs that support crime victims, address youth and domestic violence problems, provide indigent defense for low-income persons, border town disputes, and administer family services and programs to promote the state's policy as provided in RCW 74.14A.025.

(4) The department shall provide fire protection and emergency management services to support and strengthen local capacity for controlling risk to life, property, and community vitality that may result from fires, emergencies, and disasters.

[1993 c 280 § 16.]

RCW 43.330.135 Court-appointed special advocate programs--Funds--Eligibility.

Applicable Cases

(1) The department of community, trade, and economic development shall distribute such funds as are appropriated for the state-wide technical support, development, and enhancement of

court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing state-wide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide state-wide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing state-wide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in RCW 24.03.490.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

[1995 c 13 § 1.]

RCW 43.330.145 Entrepreneurial assistance--Recipients of temporary assistance for needy families--Cooperation with agencies for training and industrial recruitment.

Applicable Cases

(1) The department shall ensure that none of its rules or practices act to exclude recipients of temporary assistance for needy families from any small business loan opportunities or entrepreneurial assistance it makes available through its community development block grant program or otherwise provides using state or federal resources. The department shall encourage local administrators of microlending programs using public funds to conduct outreach activities to encourage recipients of temporary assistance for needy families to explore self-employment as an option. The department shall compile information on private and public sources of entrepreneurial assistance and loans for start-up businesses and provide the department of social and health services with the information for dissemination to recipients of temporary assistance for needy families.

(2) The department shall, as part of its industrial recruitment efforts, work with the work force training and education coordinating board to identify the skill sets needed by companies locating in the state. The department shall provide the department of social and health services with the information about the companies' needs in order that recipients of public assistance and service providers assisting such recipients through training and placement programs may be informed and respond accordingly. The department shall work with the state board for community and technical colleges, the job skills program, the employment security department, and other employment and training programs to facilitate the inclusion of recipients of temporary

assistance for needy families in relevant training that would make them good employees for recruited firms.

(3) The department shall perform the duties under this section within available funds.

[1997 c 58 § 323.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 43.330.150 Fees--Conferences, workshops, training.

Applicable Cases

The department is authorized to charge reasonable fees to cover costs for conferences, workshops, and training purposes and to expend those fees for the purposes for which they were collected.

[1994 c 284 § 1.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.152 Fees--Service and product delivery areas.

Applicable Cases

In order to extend its services and programs, the department may charge reasonable fees for services and products provided in the areas of financial assistance, housing, international trade, community assistance, economic development, and other service delivery areas, except as otherwise provided. These fees are not intended to exceed the costs of providing the service or preparing and distributing the product.

[1994 c 284 § 2.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.155 Community and economic development fee account.

Applicable Cases

The community and economic development fee account is created in the state treasury. The department may create subaccounts as necessary. The account consists of all receipts from fees charged by the department under RCW 43.330.150, 43.330.152, and *43.210.110. Expenditures from the account may be used only for the purposes of this chapter. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be spent only after appropriation.

[1994 c 284 § 4.]

Notes:

***Reviser's note:** RCW 43.210.110 was repealed by 1991 c 314 § 18, effective June 30, 1997.

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.156 Fees--Adoption by rule.

Applicable Cases

The fees authorized under RCW 43.330.150, 43.330.152, *70.95H.040, and **43.210.110 shall be adopted by rule pursuant to chapter 34.05 RCW.

[1994 c 284 § 8.]

Notes:

Reviser's note: *(1) The governor vetoed 1994 c 284 § 5, the amendment to RCW 70.95H.040 that provided for fees.

** (2) RCW 43.210.110 was repealed by 1991 c 314 § 18, effective June 30, 1997.

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 43.330.165 Housing for farmworkers--Proposal review and funding recommendations--Farmworker housing advisory group.

Applicable Cases

(1) The department shall work with the advisory group established in subsection (2) of this section to review proposals and make prioritized funding recommendations to the department or funding approval board that oversees the distribution of housing trust fund grants and loans to be used for the development, maintenance, and operation of housing for low-income farmworkers.

(2) A farmworker housing advisory group representing growers, farmworkers, and other interested parties shall be formed to assist the department in the review and priority funding recommendations under this section.

[1998 c 37 § 8.]

RCW 43.330.180 Grant program for business recruitment efforts.

Applicable Cases

(1) There is established in the department a grant program to support business recruitment efforts. The purpose of the program is to assist local associate development organizations in business recruitment efforts by providing grants to assist in marketing the area to businesses on a national and international basis.

(2) Applications for funding under this section must:

(a) Be submitted by either a local associate development organization or a consortium of associate development organizations;

(b) Contain evidence of active participation in the development of the business recruitment effort between local governments, the community, and other local development organizations that serve the region;

(c) Contain a description of the proposed project and how it will assist the region in its business recruitment efforts; and

(d) Contain other information the director deems necessary.

(3) In making grants under this section, the department shall give preference to applications based on the following criteria:

(a) The degree of leverage of other funds, including in-kind match, committed to the project;

(b) The degree of community support for the proposed project; and

(c) The degree the proposed project is coordinated with existing state or local business recruitment efforts.

(4) The funding of an activity under this section is not an obligation of the state of Washington to provide ongoing funding in future years.

(5) The director may establish, by rule, such other requirements as the director may reasonably determine necessary and appropriate to assure that the purpose of this section is satisfied.

[1999 c 108 § 2.]

RCW 43.330.190 Reimbursement of extraordinary criminal justice costs.

Applicable Cases

Counties may submit a petition for relief to the office of public defense for reimbursement of extraordinary criminal justice costs. Extraordinary criminal justice costs are defined as those associated with investigation, prosecution, indigent defense, jury impanelment, expert witnesses, interpreters, incarceration, and other adjudication costs of aggravated murder cases.

(1) The office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop procedures for processing the petitions, for auditing the veracity of the petitions, and for prioritizing the petitions. Prioritization of the petitions shall be based on, but not limited to, such factors as disproportionate fiscal impact relative to the county budget, efficient use of resources, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in the normal budget process.

(2) Before January 1st of each year, the office of public defense, in consultation with the Washington association of prosecuting attorneys and the Washington association of sheriffs and police chiefs, shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature.

[1999 c 303 § 1.]

RCW 43.330.200 Developmental disabilities endowment--Trust fund.

Applicable Cases

(1) The developmental disabilities endowment trust fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of the developmental disabilities endowment established under this chapter. Only the developmental disabilities endowment governing board or the board's designee may authorize expenditures from the fund. The fund shall retain its interest earnings in accordance with RCW 43.79A.040.

(2) The developmental disabilities endowment governing board shall deposit in the fund

all money received for the program, including state appropriations and private matching contributions. With the exception of investment and operating costs associated with the investment of money by the state treasurer and the investment board paid under RCW 43.08.190, 43.79A.040, 43.33A.160, and 43.84.160, the fund shall be credited with all investment income earned by the fund. Disbursements from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

[1999 c 384 § 2.]

Notes:

Intent--1999 c 384: "The legislature recognizes that the main and most enduring support for persons with developmental disabilities, along with public resources, is their immediate and extended families. The legislature recognizes that these families are searching for ways to provide for the long-term continuing care of their disabled family member when the family can no longer provide that care. It is the intent of the legislature to encourage and assist families to engage in long-range financial planning and to contribute to the lifetime care of their disabled family member. To further these objectives, this chapter is enacted to finance long-term care for persons with developmental disabilities through an endowment funded jointly by the investment of public funds and dedicated family contributions.

The establishment of this endowment is not intended to diminish the state's responsibility for funding services currently available to future endowment participants, subject to available funding, nor is it the intent of the legislature, by the creation of this public/private endowment, to impose additional, unintended financial liabilities on the public." [1999 c 384 § 1.]

Captions not law--1999 c 384: "Captions used in this chapter are not any part of the law." [1999 c 384 § 9.]

RCW 43.330.210 Developmental disabilities endowment--Governing board.

Applicable Cases

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of community, trade, and economic development shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the

governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

[1999 c 384 § 4.]

Notes:

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

RCW 43.330.220 Developmental disabilities endowment--Endowment principles.

Applicable Cases

The design, implementation, and administration of the developmental disabilities endowment shall be governed by the following principles:

(1) The design and operation of the endowment should reward families who set aside resources for their child's future care and provide incentives for continued caregiving by the family.

(2) The endowment should encourage financial planning and reward caregiving by a broad range of families, not just those who have substantial financial resources.

(3) Families should not feel compelled to contribute to the endowment in order to meet the needs of continuing care for their child.

(4) All families should have equal access to developmental disabilities services not funded through the endowment regardless of whether they contribute to the endowment.

(5) Services funded through the endowment should be stable, ongoing, of reasonable quality, and respectful of individual and family preferences.

(6) Endowment resources should be expended economically in order to benefit as many families as possible.

(7) Endowment resources should be managed prudently so that families can be confident that their agreement with the endowment on behalf of their child will be honored.

(8) The private financial contribution on behalf of each person receiving services from the endowment shall be at least equal to the state's contribution to the endowment.

(9) In order to be matched with funding from the state's contribution to the endowment, the private contribution on behalf of a beneficiary must be sufficient to support the beneficiary's approved service plan for a significant portion of the beneficiary's anticipated remaining lifetime.

(10) The rate that state appropriations to the endowment are used to match private contributions shall be such that each legislative appropriation to the developmental disabilities endowment trust fund, including principal and investment income, is not depleted in a period of less than five years.

(11) Private contributions made on behalf of a particular individual, and the associated state match, shall only be used for services provided upon that person's behalf.

[1999 c 384 § 5.]

Notes:

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

RCW 43.330.230 Developmental disabilities endowment--Program implementation and administration.

Applicable Cases

Based on the proposed operating plan under *section 6 of this act, and to the extent funds are appropriated for this purpose, the developmental disabilities endowment governing board shall implement and administer, or contract for the administration of, the developmental disabilities endowment program under the principles specified in RCW 43.330.220. By October 1, 2000, and prior to implementation, the final program design shall be submitted to the appropriate committees of the legislature.

The secretary of the department of social and health services shall seek to maximize federal reimbursement and matching funds for expenditures made under the endowment program, and shall seek waivers from federal requirements as necessary for the receipt of federal funds.

The governing board may receive gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the endowment program and may expend the gifts, grants, and endowments according to their terms.

[1999 c 384 § 7.]

Notes:

***Reviser's note:** Section 6 of this act was vetoed.

Intent--Captions not law--1999 c 384: See notes following RCW 43.330.200.

RCW 43.330.900 References to director and department.

Applicable Cases

(1) All references to the director or department of community development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

(2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.

[1993 c 280 § 79.]

RCW 43.330.901 Captions.

Applicable Cases

Captions used in this chapter do not constitute part of the law.

[1993 c 280 § 83.]

RCW 43.330.902 Effective date--1993 c 280.

Applicable Cases

Sections 1 through 7, 9 through 79, 82, and 83 of this act shall take effect March 1, 1994.

[1994 c 5 § 2; 1993 c 280 § 86.]

RCW 43.330.9021 Effective date--1994 c 5.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect March 1, 1994.

[1994 c 5 § 3.]

RCW 43.330.903 Severability--1993 c 280.

Applicable Cases

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

[1993 c 280 § 87.]

RCW 43.330.904 Transfer of certain state energy office powers, duties, and functions--References to director--Appointment of assistant director.

Applicable Cases

(1) All powers, duties, and functions of the state energy office relating to energy resource policy and planning and energy facility siting are transferred to the department of community, trade, and economic development. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the director or the department of community, trade, and economic development when referring to the functions transferred in this section.

The director shall appoint an assistant director for energy policy, and energy policy staff shall have no additional responsibilities beyond activities concerning energy policy.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of community, trade, and economic development. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of community, trade, and economic development.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the department of community, trade, and economic development.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, software, data base, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties pertaining to the energy facility site evaluation council are transferred to the jurisdiction of the department of community, trade, and economic development. All employees engaged in energy facility site evaluation council duties classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of community, trade, and economic development to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of community, trade, and economic development. All existing contracts and obligations shall remain in full force and shall be performed by the department of community, trade, and economic development.

(5) The transfer of the powers, duties, and functions of the state energy office does not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of the office of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation.

(7) The department of community, trade, and economic development shall direct the closure of the financial records of the state energy office.

(8) Responsibility for implementing energy education, applied research, and technology transfer programs rests with Washington State University. The department of community, trade, and economic development shall provide Washington State University available existing and future oil overcharge restitution and federal energy block funding for a minimum period of five years to carry out energy programs under an interagency agreement with the department of community, trade, and economic development. The interagency agreement shall also outline the working relationship between the department of community, trade, and economic development and Washington State University as it pertains to the relationship between energy policy development and public outreach. Nothing in chapter 186, Laws of 1996 prohibits Washington State University from seeking grant, contract, or fee-for-service funding for energy or related programs directly from other entities.

[1996 c 186 § 101.]

Notes:

Findings--Intent--1996 c 186: "The legislature finds responsibilities of state government need to be

limited to core services in support of public safety and welfare. Services provided by the Washington state energy office are primarily advisory and can be eliminated. The legislature further finds a need to redefine the state's role in energy-related regulatory functions. The state may be better served by allowing regulatory functions to be performed by other appropriate entities, simplifying state government while maintaining core services. Further, it is the intent of the legislature that the state continue to receive oil overcharge restitution funds for our citizens while every effort is being made to maximize federal funds available for energy conservation purposes." [1996 c 186 § 1.]

Part headings not law--1996 c 186: "Part headings used in this act do not constitute part of the law." [1996 c 186 § 602.]

Effective date--1996 c 186: "This act shall take effect July 1, 1996." [1996 c 186 § 603.]

Chapter 43.332 RCW

OFFICE OF THE WASHINGTON STATE TRADE REPRESENTATIVE

RCW

43.332.005 Findings.

43.332.010 Office created--Finances.

RCW 43.332.005 Findings.

Applicable Cases

(1) The legislature finds that:

(a) The expansion of international trade is vital to the overall growth of Washington's economy;

(b) On a per capita basis, Washington state is the most international trade dependent state in the nation;

(c) The North American free trade agreement (NAFTA) and the general agreement on tariffs and trade (GATT) highlight the increased importance of international trade opportunities to the United States and the state of Washington;

(d) The passage of NAFTA and GATT will have a major impact on the state's agriculture, aerospace, computer software, and textiles and apparel sectors;

(e) There is a need to strengthen and coordinate the state's activities in promoting and developing its agricultural, manufacturing, and service industries overseas, especially for small and medium-sized businesses, and minority and women-owned business enterprises; and

(f) The importance of having a coherent vision for advancing Washington state's interest in the global economy has rarely been so consequential as it is now.

(2) The legislature declares that the purpose of the office of the Washington state trade representative is to strengthen and expand the state's activities in marketing its goods and services overseas.

[1995 c 350 § 1.]

RCW 43.332.010 Office created--Finances.

Applicable Cases

The office of the Washington state trade representative is created under the office of the governor. The office shall serve as the state's official liaison with foreign governments on trade matters.

The office of the Washington state trade representative may accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this section. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

[1995 c 350 § 2.]

Chapter 43.950 RCW CONSTRUCTION

RCW

43.950.010	Continuation of existing law.
43.950.020	Title, chapter, section headings not part of law.
43.950.030	Invalidity of part of title not to affect remainder.
43.950.040	Repeals and saving.

RCW 43.950.010 Continuation of existing law.

Applicable Cases

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1965 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment.

[1965 c 8 § 43.198.010. Formerly RCW 43.198.010.]

RCW 43.950.020 Title, chapter, section headings not part of law.

Applicable Cases

Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

[1965 c 8 § 43.198.020. Formerly RCW 43.198.020.]

RCW 43.950.030 Invalidity of part of title not to affect remainder.

Applicable Cases

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or

circumstances is not affected.

[1965 c 8 § 43.198.030. Formerly RCW 43.198.030.]

RCW 43.950.040 Repeals and saving.

Applicable Cases

See 1965 c 8 § 43.198.040. Formerly RCW 43.198.040.

**Title 44
STATE GOVERNMENT--LEGISLATIVE**

RCW

- 44.04 General provisions.**
- 44.05 Washington State Redistricting Act.**
- 44.07C Legislative districts and apportionment.**
- 44.16 Legislative inquiry.**
- 44.20 Session laws.**
- 44.28 Joint legislative audit and review committee.**
- 44.39 Joint committee on energy and utilities.**
- 44.40 Legislative transportation committee--Senate and house transportation committees.**
- 44.44 Office of state actuary--Joint committee on pension policy.**
- 44.48 Legislative evaluation and accountability program committee.**
- 44.52 Legislative committee on economic development.**
- 44.68 Joint legislative systems committee.**

Notes:

Adjournments: State Constitution Art. 2 § 11.

Administrative rules, review by rules review committee of the legislature: RCW 34.05.610 through 34.05.660.

Annual and special sessions: State Constitution Art. 2 § 12.

Apportionment: State Constitution Art. 22.

Attorney general, legal adviser for legislature: RCW 43.10.030.

Bills

drafting service maintained by code reviser: RCW 1.08.027.

origin and amendment: State Constitution Art. 2 § 20.

passage, requirements for: State Constitution Art. 2 § 22.

printing of bills by public printer: RCW 43.78.030.

private interest in: State Constitution Art. 2 § 30.

style: State Constitution Art. 2 § 18.

time for introduction of: State Constitution Art. 2 § 36.

to embrace one subject: State Constitution Art. 2 § 19.

Bribery or corrupt solicitation of legislators: State Constitution Art. 2 § 30.

Campaign financing, disclosure of: Chapter 42.17 RCW.

Census, to provide for: State Constitution Art. 2 § 3.

Commission on uniform legislation: Chapter 43.56 RCW.

Compelling attendance: State Constitution Art. 2 § 8.

Compensation of members

Revised Code of Washington, 1999

amount of: RCW 43.03.010.

appointees to office of state legislator: RCW 43.03.015.

extra compensation prohibited: State Constitution Art. 2 § 25.

how determined: State Constitution Art. 28 § 1.

Compensation of state officers, legislature to determine: State Constitution Art. 28 § 1.

Composition: State Constitution Art. 2 § 2.

Constitutional provisions relating to legislature: State Constitution Art. 2.

Contempt of legislature, how punished: State Constitution Art. 2 § 9.

Contested elections of state elective officers, legislature to decide: State Constitution Art. 3 § 4.

Continuity of government act: Chapter 42.14 RCW.

Council for the prevention of child abuse and neglect, legislators as ex officio members: RCW 43.121.020.

Counties

government, legislature to provide for: State Constitution Art. 11 § 4.

officers, legislature to provide for and fix compensation: State Constitution Art. 11 § 5; Art. 11 § 8.

Crimes relating to legislature: Chapter 9.55 RCW.

Elections

certification to legislature of returns: RCW 43.07.030.

judges of own election and qualifications: State Constitution Art. 2 § 8.

officers of legislature: State Constitution Art. 2 § 10.

qualifications of legislators: State Constitution Art. 2 § 7.

registration laws, legislature to enact: State Constitution Art. 6 § 7.

representatives: State Constitution Art. 2 § 4.

secrecy of voting, legislature to provide for: State Constitution Art. 6 § 6.

senators: State Constitution Art. 2 § 6.

time for holding: State Constitution Art. 2 § 5.

voice vote required: State Constitution Art. 2 § 27.

Ethics in public service act: Chapter 42.52 RCW.

Expulsion of member: State Constitution Art. 2 § 9.

Extraordinary sessions convened by governor: State Constitution Art. 3 § 7.

Financial disclosure by members: Chapter 42.17 RCW.

Fiscal notes on legislation: Chapter 43.88A RCW.

Free transportation prohibited: State Constitution Art. 2 § 39; Art. 12 § 20.

Freedom of debate: State Constitution Art. 2 § 17.

Governor-elect, appropriation for office and staff: RCW 43.06.055.

Governor's message to legislature: State Constitution Art. 3 § 6.

Harbor line commission, legislature shall provide for: State Constitution Art. 15 § 1.

Health professions, legislation regulating: Chapter 18.120 RCW.

Homestead and other property exemptions of families, legislature to protect: State Constitution Art. 19 § 1.

Hospitalization and medical aid for public employees and dependents--Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.

Immunity of members from arrest: State Constitution Art. 2 § 16.

Impeachment: State Constitution Art. 5 §§ 1, 2.

Initiative and referendum: State Constitution Art. 2 § 1; chapter 29.79 RCW.

Journals

distribution of copies: RCW 40.04.090.

each house to keep: State Constitution Art. 2 § 11.

entry of vote upon: State Constitution Art. 2 § 21.

public printer to print and bind: RCW 43.78.030.

secretary of state as custodian: RCW 43.07.040.

Judiciary

inferior courts, legislature to prescribe jurisdiction and powers of: State Constitution Art. 4 § 12.
justices of the peace, number, powers, duties and jurisdiction to be fixed by legislature: State Constitution Art. 4 § 10.
publication of supreme court opinions to be provided for by legislature: State Constitution Art. 4 § 21.
supreme court judges, legislature may increase number: State Constitution Art. 4 § 2.

Legislation

effective date: State Constitution Art. 2 § 41.
how signed: State Constitution Art. 2 § 32.
limitation of amendments: State Constitution Art. 2 § 38.
secretary of state custodian of acts, resolutions and journals: RCW 43.07.040.
section amended must be set forth in full: State Constitution Art. 2 § 37.
special legislation prohibited: State Constitution Art. 2 § 28.
time limitation for introduction: State Constitution Art. 2 § 36.
veto: State Constitution Art. 3 § 12.

Legislative district chair: RCW 29.42.070.

Legislators as retired state employees for insurance purposes: RCW 41.05.080.

Legislature

community college bonds, legislature may provide additional means for payment of principal and interest on: RCW 28B.50.400.
studies on environmental problems by director of ecology: RCW 43.21A.130.
workers' compensation, joint committee: See note following RCW 51.04.110.

Limitations on holding other public office: State Constitution Art. 2 §§ 13, 14.

Local government redistricting: Chapter 29.70 RCW.

Medicine and surgery, legislature to enact laws to regulate: State Constitution Art. 20 § 2.

Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.

Mileage: State Constitution Art. 2 § 23; RCW 43.03.010.

Militia, legislature to provide for: State Constitution Art. 10 § 2.

Misconduct of public officers: Chapter 42.20 RCW.

Municipal corporations

combined city and county, legislature to provide for: State Constitution Art. 11 § 16.
incorporation, provisions for to be provided by legislature: State Constitution Art. 11 § 10.
limitation on power of legislature to levy taxes upon: State Constitution Art. 11 § 12.
local improvement by special assessments, legislature may provide: State Constitution Art. 7 § 9.

Navigable waters, right to lease land for wharves, docks, etc., legislature to provide laws for: State Constitution Art. 15 § 2.

Private interest of legislator in bill: State Constitution Art. 2 § 30.

Privilege from arrest: State Constitution Art. 2 § 16.

Qualifications of legislators: State Constitution Art. 2 § 7.

Quorum: State Constitution Art. 2 § 8.

Reapportionment: State Constitution Art. 2 § 3.

Recall: State Constitution Art. 1 §§ 33, 34; chapter 29.82 RCW.

Records of legislature kept by secretary of state: State Constitution Art. 3 § 17.

Reprieves, commutations, and pardons, governor to report to legislature: State Constitution Art. 3 § 11.

Revised Code of Washington, legislators to receive copies of: RCW 1.08.070.

Salaries: RCW 43.03.010.

Schools, legislature to provide for: State Constitution Art. 9 § 2.

Session laws

delivery of copies for use of legislature: RCW 40.04.040.

public printer to print and bind: RCW 43.78.030.

secretary of state as custodian of acts and resolutions: RCW 43.07.040.

Sessions, time for meeting, duration: State Constitution Art. 2 § 12.

Soldiers' home, legislature to provide for: State Constitution Art. 10 § 3.

Special sessions convened by legislature or governor: State Constitution Art. 2 § 12, Art. 3 § 7.

State participation within student exchange compact programs--Board to advise legislature: RCW 28B.80.170.

Statute law committee, legislative membership on: RCW 1.08.001.

Taxation

deficiencies, legislature may provide for tax to pay: State Constitution Art. 7 § 8.

limitation on legislature to tax municipal corporations: State Constitution Art. 11 § 12.

limitations on state expenditures: Chapter 43.135 RCW.

Transportation, department of, study reports available to legislators upon request: RCW 47.01.145.

Vacancies

acceptance of federal office vacates seat: State Constitution Art. 2 § 14.

how filled: State Constitution Art. 2 § 15.

term of person elected to fill: RCW 42.12.030.

Veto: State Constitution Art. 3 § 12.

Washington scholars' program, participation in: RCW 28A.600.010 through 28A.600.150.

Chapter 44.04 RCW GENERAL PROVISIONS

RCW

44.04.010	Date of regular sessions.
44.04.015	Term limits.
44.04.021	Commencement of terms of office.
44.04.040	Vouchers for pay and mileage of members--Warrants.
44.04.041	Warrants for pay and mileage of members--Payment of.
44.04.050	Vouchers for pay of employees--Warrants.
44.04.051	Warrants for pay of employees--Payment of.
44.04.060	Vouchers for incidental expenses--Warrants.
44.04.070	Warrants for incidental expenses--Payment of.
44.04.090	Warrants for subsistence and lodging.
44.04.100	Contest of election--Depositions.
44.04.120	Members' allowances when engaged in legislative business.
44.04.125	Allowances of members-elect when attending meetings.
44.04.130	Members' insurance coverage during aircraft flights.
44.04.140	Security and protection of legislature--State patrol.
44.04.170	Information from municipal associations.
44.04.180	Legislative records--Preservation.
44.04.190	Fiscal impact of proposed legislation on political subdivisions--Fiscal notes.
44.04.200	References to regular session of the legislature.
44.04.210	Gender-neutral terms.
44.04.220	Legislative children's oversight committee.
44.04.230	Teachers' insurance benefits--Reimbursement.
44.04.240	Teachers' insurance benefits--Payment of warrants.

44.04.250 Surplus computer equipment--Donation to schools.

Notes:

Cashing checks, drafts, and state warrants for state officers and employees: RCW 43.08.180.

Development of definitions, criteria, and procedures for the operating cost of instruction--Educational cost study: RCW 28B.15.070.

Eligibility of member of legislature to appointment or election to office of official whose salary was increased during legislator's term: RCW 3.58.010.

Emoluments of office for appointees to office of state legislator: RCW 43.03.015.

Studies and adoption of classifications for school district budgets--Publication: RCW 28A.300.060.

RCW 44.04.010 Date of regular sessions.

Applicable Cases

Regular sessions of the legislature shall be held annually, commencing on the second Monday of January.

[1980 c 87 § 27; 1979 ex.s. c 48 § 1; 1891 c 20 § 1; RRS § 8177.]

Notes:

Effective date--1979 ex.s. c 48: "This 1979 act shall take effect on January 1, 1980, if the proposed amendment to Article II, section 12 of the state Constitution by Substitute Senate Joint Resolution No. 110, providing for annual sessions of the legislature, is validly submitted and is approved and ratified by the voters at a general election held in November, 1979. If the proposed amendment is not so approved and ratified, this 1979 act shall be null and void in its entirety." [1979 ex.s. c 48 § 2.] "This 1979 act" refers to the amendment to RCW 44.04.010 by 1979 ex.s. c 48. Substitute Senate Joint Resolution No. 110 was approved and ratified by the people at the November 6, 1979, general election.

Regular and special sessions: State Constitution, Art. 2 § 12.

RCW 44.04.015 Term limits.

Applicable Cases

(1) No person is eligible to appear on the ballot or file a declaration of candidacy for the house of representatives of the legislature who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the house of representatives of the legislature during six of the previous twelve years.

(2) No person is eligible to appear on the ballot or file a declaration of candidacy for the senate of the legislature who, by the end of the then current term of office will have served, or but for resignation would have served, as a member of the senate of the legislature during eight of the previous fourteen years.

(3) No person is eligible to appear on the ballot or file a declaration of candidacy for the legislature who has served as a member of the legislature for fourteen of the previous twenty years.

[1993 c 1 § 3 (Initiative Measure No. 573, approved November 3, 1992).]

Notes:

Preamble--Severability--1993 c 1 (Initiative Measure No. 573): See notes following RCW 43.01.015.

RCW 44.04.021 Commencement of terms of office.

Applicable Cases

The regular term of office of each senator and representative shall commence on the second Monday in January following the date of election.

[1987 c 13 § 1; 1981 c 288 § 68. Formerly RCW 44.07B.870.]

RCW 44.04.040 Vouchers for pay and mileage of members--Warrants.

Applicable Cases

The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

[1973 c 106 § 17; 1890 p 6 § 1; RRS § 8150.]

Notes:

Annual salary: RCW 43.03.010.

Mileage allowance: State Constitution Art. 2 § 23; RCW 43.03.010.

RCW 44.04.041 Warrants for pay and mileage of members--Payment of.

Applicable Cases

Upon presentation of a warrant drawn as provided for in RCW 44.04.040, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: PROVIDED, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom.

[1890 p 6 § 2; RRS § 8151. Formerly RCW 44.04.070, part.]

RCW 44.04.050 Vouchers for pay of employees--Warrants.

Applicable Cases

The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or

employee named in each certificate.

[1973 c 106 § 18; 1890 p 3 § 1; RRS § 8148.]

RCW 44.04.051 Warrants for pay of employees--Payment of.

Applicable Cases

Upon presentation to the state treasurer of a warrant drawn as provided for in RCW 44.04.050, that officer shall pay the same from any money in the state treasury appropriated for the expenses of the legislature of the state of Washington: PROVIDED, That should there be no money in the treasury of the state covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from date of such indorsement and shall be payable thereafter as is provided by law and custom.

[1890 p 3 § 2; RRS § 8149. Formerly RCW 44.04.070, part.]

RCW 44.04.060 Vouchers for incidental expenses--Warrants.

Applicable Cases

The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

[1973 c 106 § 19; 1890 p 10 § 1; RRS § 8152.]

RCW 44.04.070 Warrants for incidental expenses--Payment of.

Applicable Cases

Upon presentation of a warrant, drawn as provided for in RCW 44.04.060, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: PROVIDED, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom.

[1890 p 10 § 2; RRS § 8153. FORMER PARTS OF SECTION: (i) 1890 p 3 § 2, now codified as RCW 44.04.051. (ii) 1890 p 6 § 2, now codified as RCW 44.04.041.]

RCW 44.04.090 Warrants for subsistence and lodging.

Applicable Cases

The state treasurer shall issue warrants for said reimbursement supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any

funds appropriated for the purpose.

[1973 c 106 § 20; 1941 c 173 § 2; Rem. Supp. 1941 § 8153-2.]

RCW 44.04.100 Contest of election--Depositions.

Applicable Cases

Any person desiring to contest the election of any member of the legislature, may, at any time after the presumptive election of such member and before the convening of the ensuing regular session of the legislature, have the testimony of witnesses, to be used in support of such contest, taken and perpetuated, by serving not less than three days' written notice upon the member whose election he desires to contest, of his intention to institute such contest and that he desires to take the testimony of certain witnesses named in such notice, at a time and place named therein, before a notary public duly commissioned and qualified and residing in the county where the presumptive member resides, giving the name of such notary public, which deposition shall be taken in the manner provided by law for the taking of depositions in civil actions in the superior court. The presumptive member of the legislature, whose election is to be contested, shall have the right to appear, in person or by counsel, at the time and place named in the notice, and cross examine any witness produced and have such cross examination made a part of such deposition, and to produce witnesses and have their depositions taken for the purpose of sustaining his election. The notary public before whom such deposition is taken shall transmit such depositions to the presiding officer of the senate, or house of representatives, as the case may be, in which said contest is to be instituted, in the care of the secretary of state, at the state capitol, by registered mail, and it shall be the duty of the secretary of state upon the convening of the legislature to transmit said depositions, unopened, to the presiding officer of the senate, or the house of representatives, as the case may be, to whom it is addressed, and in case such contest is instituted said depositions may be opened and read in evidence in the manner provided by law for the opening and introduction of depositions in civil actions in the superior court.

[1927 c 205 § 1; RRS § 8162-1. Prior: Code 1881 §§ 3125-3139.]

Notes:

Contest of elections: Chapter 29.65 RCW.

*Depositions: **Rules of court:** CR 26 through 37.*

Legislature to judge election and qualifications of members: State Constitution Art. 2 § 8.

Recall: State Constitution Art. 1 §§ 33, 34, chapter 29.82 RCW.

RCW 44.04.120 Members' allowances when engaged in legislative business.

Applicable Cases

Each member of the senate or house of representatives when serving on official legislative business shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, an allowance in an amount fixed by the secretary of the senate and chief clerk of the house, respectively, in accordance with applicable rules and resolutions of each body. Such allowance shall be

reasonably calculated to reimburse expenses, exclusive of mileage, which are ordinary and necessary in the conduct of legislative business, recognizing cost variances which are encountered in different locales. The allowance authorized shall not exceed the greater of forty-four dollars per day or the maximum daily amount determined under RCW 43.03.050, as now or hereafter amended. In addition, a mileage allowance shall be paid at the rate per mile provided for in RCW 43.03.060, as now or hereafter amended, when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

[1985 c 3 § 1; 1979 ex.s. c 255 § 3; 1974 ex.s. c 157 § 2; 1973 1st ex.s. c 197 § 5; 1967 ex.s. c 112 § 4; 1963 ex.s. c 7 § 1; 1959 ex.s. c 10 § 1.]

Notes:

Effective date--1979 ex.s. c 255: See note following RCW 43.03.010.

RCW 44.04.125 Allowances of members-elect when attending meetings.

Applicable Cases

Each member-elect of the senate or house of representatives who attends any meeting of the legislature or any of its committees, upon the invitation of the committee on rules of his or her respective house, shall be entitled to receive per diem, mileage, and incidental expense allowances at the rates prescribed in chapter 44.04 RCW, as now or hereafter amended.

[1975 1st ex.s. c 185 § 1.]

RCW 44.04.130 Members' insurance coverage during aircraft flights.

Applicable Cases

See RCW 43.01.120.

RCW 44.04.140 Security and protection of legislature--State patrol.

Applicable Cases

See RCW 43.43.037.

RCW 44.04.170 Information from municipal associations.

Applicable Cases

It shall be the duty of each association of municipal corporations or municipal officers, which is recognized by law and utilized as an official agency for the coordination of the policies and/or administrative programs of municipal corporations, to submit biennially, or oftener as necessary, to the governor and to the legislature the joint recommendations of such participating municipalities regarding changes which would affect the efficiency of such municipal corporations. Such associations shall include but shall not be limited to the Washington state association of fire commissioners, a state association of water/wastewater districts, and the Washington state school directors' association.

[1999 c 153 § 59; 1970 ex.s. c 69 § 2.]

Notes:

Part headings not law--1999 c 153: See note following RCW 57.04.050.

Purpose--1970 ex.s. c 69: "It is the purpose of this act to assist the legislature in obtaining adequate information as to the needs of its municipal corporations and other public agencies and their recommendations for improvements." [1970 ex.s. c 69 § 1.]

Intent--Construction--1970 ex.s. c 69: "The intent of this act is to clarify and implement the powers of the public agencies to which it relates and nothing herein shall be construed to impair or limit the existing powers of any municipal corporation or association." [1970 ex.s. c 69 § 3.]

RCW 44.04.180 Legislative records--Preservation.

Applicable Cases

See RCW 40.14.100 through 40.14.180.

RCW 44.04.190 Fiscal impact of proposed legislation on political subdivisions--Fiscal notes.

Applicable Cases

See chapter 43.132 RCW.

RCW 44.04.200 References to regular session of the legislature.

Applicable Cases

After June 12, 1980, all references in the Revised Code of Washington to a regular session of the legislature mean a regular session during an odd- or even-numbered year unless the context clearly requires otherwise.

[1980 c 87 § 1.]

RCW 44.04.210 Gender-neutral terms.

Applicable Cases

(1) All statutes, memorials, and resolutions enacted, adopted, or amended by the legislature after July 1, 1983, shall be written in gender-neutral terms unless a specification of gender is intended.

(2) No statute, memorial, or resolution is invalid because it does not comply with this section.

[1983 c 20 § 3.]

Notes:

Intent--1983 c 20: See note following RCW 43.01.160.

Number and gender in statutes: RCW 1.12.050.

RCW 44.04.220 Legislative children's oversight committee.

Applicable Cases

(1) There is created the legislative children's oversight committee for the purpose of monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and policies pertaining to family and children services and the placement, supervision, and treatment of children in the state's care or in state-licensed facilities or residences. The committee shall consist of three senators and three representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate. The house members of the

committee shall be appointed by the speaker of the house. Not more than two members from each chamber shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(2) The committee shall have the following powers:

(a) Selection of its officers and adopt rules for orderly procedure;

(b) Request investigations by the ombudsman of administrative acts;

(c) Receive reports of the ombudsman;

(d)(i) Obtain access to all relevant records in the possession of the ombudsman, except as prohibited by law; and (ii) make recommendations to all branches of government;

(e) Request legislation;

(f) Conduct hearings into such matters as it deems necessary.

(3) Upon receipt of records from the ombudsman, the committee is subject to the same confidentiality restrictions as the ombudsman under RCW 43.06A.050.

[1996 c 131 § 1.]

Notes:

Effective date--1996 c 131 §§ 1-3: "Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 21, 1996]." [1996 c 131 § 7.]

RCW 44.04.230 Teachers' insurance benefits--Reimbursement.

Applicable Cases

The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due a school district for any teacher who is on a leave of absence as a legislator, and who has chosen to continue insurance benefits provided by the school district, in lieu of insurance benefits provided to that legislator as a state employee. The amount of reimbursement due the school district is for the actual cost of continuing benefits, but may not exceed the cost of the insurance benefits package that would otherwise be provided through the health care authority.

[1998 c 62 § 1.]

Notes:

Effective date--1998 c 62: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 1998]." [1998 c 62 § 4.]

RCW 44.04.240 Teachers' insurance benefits--Payment of warrants.

Applicable Cases

Upon presentation to the state treasurer of a warrant issued by the treasurer and drawn for the purposes under RCW 44.04.230, the treasurer shall pay the amount necessary from appropriated funds. If sufficient funds have not been appropriated, the treasurer shall endorse the warrant and the warrant draws interest from the date of the endorsement until paid.

[1998 c 62 § 3.]

Notes:

Effective date--1998 c 62: See note following RCW 44.04.230.

RCW 44.04.250 Surplus computer equipment--Donation to schools.

Applicable Cases

The chief clerk of the house of representatives may authorize surplus computers and computer-related equipment owned by the house, the secretary of the senate may authorize surplus computers and computer-related equipment owned by the senate, and the directors of legislative agencies may authorize surplus computers and computer-related equipment owned by his or her respective agency, to be donated to school districts and educational service districts. This section shall not be construed to limit the discretion of the legislature regarding disposal of its surplus property.

[1999 c 186 § 2.]

**Chapter 44.05 RCW
WASHINGTON STATE REDISTRICTING ACT**

RCW

44.05.010	Short title.
44.05.020	Definitions.
44.05.030	Redistricting commission--Membership--Chairperson--Vacancies.
44.05.040	Oath.
44.05.050	Members--Persons ineligible to serve.
44.05.060	Members--Political activities prohibited.
44.05.070	Employment of personnel--Assistance of state officials--Witness expenses--Appropriations--Compensation.
44.05.080	Duties.
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44.05.100	Submission of plan to legislature--Amendment--Effect--Adoption by supreme court, when.
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44.05.130	Challenges to plan.
44.05.900	Contingent effective date--1983 c 16.
44.05.901	Severability--1983 c 16.
44.05.902	Severability--1984 c 13.

RCW 44.05.010 Short title.

Applicable Cases

This act may be cited as the Washington State Redistricting Act.

[1983 c 16 § 1.]

RCW 44.05.020 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter, unless the context

requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17.150.

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section 43 of the state Constitution.

[1983 c 16 § 2.]

RCW 44.05.030 Redistricting commission--Membership--Chairperson--Vacancies.

Applicable Cases

A redistricting commission shall be established in January of each year ending in one to accomplish state legislative and congressional redistricting. The five-member commission shall be appointed as follows:

(1) Each legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one.

(2) The four legislators appointing commission members pursuant to this section shall certify their appointments to the chief election officer. If an appointing legislator does not certify an appointment by January 15th of each year ending in one, within five days the supreme court shall certify an appointment to the chief election officer.

(3) No later than January 31st of the year of their selection, the four appointed members, by an affirmative vote of at least three, shall appoint and certify to the chief election officer the nonvoting fifth member who shall act as the commission's chairperson. If by January 31st of the year of their selection three of the four voting members fail to elect a chairperson, the supreme court shall within five days certify an appointment to the chief election officer. A vacancy on the commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the vacancy occurs.

[1984 c 13 § 1; 1983 c 16 § 3.]

RCW 44.05.040 Oath.

Applicable Cases

Before serving on the commission every person shall take and subscribe an oath to faithfully perform the duties of that office. The oath shall be filed in the office of the secretary of state.

[1983 c 16 § 4.]

RCW 44.05.050 Members--Persons ineligible to serve.

Applicable Cases

No person may serve on the commission who:

- (1) Is not a registered voter of the state at the time of selection; or
- (2) Is or has within one year prior to selection been a registered lobbyist; or
- (3) Is or has within two years prior to selection been an elected official or elected legislative district, county, or state party officer. The provisions of this subsection do not apply to the office of precinct committee person.

[1984 c 13 § 2; 1983 c 16 § 5.]

RCW 44.05.060 Members--Political activities prohibited.

Applicable Cases

No member of the commission may:

- (1) Campaign for elective office while a member of the commission;
- (2) Actively participate in or contribute to any political campaign of any candidate for state or federal elective office while a member of the commission; or
- (3) Hold or campaign for a seat in the state house of representatives, the state senate, or congress for two years after the effective date of the plan.

[1984 c 13 § 3; 1983 c 16 § 6.]

RCW 44.05.070 Employment of personnel--Assistance of state officials--Witness expenses--Appropriations--Compensation.

Applicable Cases

(1) The commission may employ the services of experts, consultants, and support staff, including attorneys not employed by the attorney general, as necessary to carry out its duties pursuant to this chapter.

(2) The chief election officer, the treasurer, and the attorney general shall make available to the commission such personnel, facilities, and other assistance as the commission may reasonably request. The chief election officer shall be the official recipient of all provisional and preliminary census data and maps, and shall forward such data and maps, upon request, to the commission.

(3) The commission, upon written request by a witness and subject to rules promulgated by the commission, may reimburse witnesses for their necessary expenses incurred in appearing before the commission.

(4) The legislature shall appropriate funds to enable the commission to carry out its duties. Members shall receive one hundred dollars of compensation for each day spent in the performance of their duties. Compensation of employees shall be determined by the commission. The provisions of RCW 43.03.050 and 43.03.060 shall apply to both the members and the employees of the commission.

[1983 c 16 § 7.]

RCW 44.05.080 Duties.

Applicable Cases

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.17 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) Be subject to the provisions of RCW 42.17.240;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries.

[1983 c 16 § 8.]

RCW 44.05.090 Redistricting plan.

Applicable Cases

In the redistricting plan:

(1) Districts shall have a population as nearly equal as is practicable, excluding nonresident military personnel, based on the population reported in the federal decennial census.

(2) To the extent consistent with subsection (1) of this section the commission plan should, insofar as practical, accomplish the following:

(a) District lines should be drawn so as to coincide with the boundaries of local political subdivisions and areas recognized as communities of interest. The number of counties and municipalities divided among more than one district should be as small as possible;

(b) Districts should be composed of convenient, contiguous, and compact territory. Land areas may be deemed contiguous if they share a common land border or are connected by a ferry, highway, bridge, or tunnel. Areas separated by geographical boundaries or artificial barriers that prevent transportation within a district should not be deemed contiguous; and

(c) Whenever practicable, a precinct shall be wholly within a single legislative district.

(3) The commission's plan and any plan adopted by the supreme court under RCW 44.05.100(4) shall provide for forty-nine legislative districts.

(4) The house of representatives shall consist of ninety-eight members, two of whom shall be elected from and run at large within each legislative district. The senate shall consist of forty-nine members, one of whom shall be elected from each legislative district.

(5) The commission shall exercise its powers to provide fair and effective representation

and to encourage electoral competition. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

[1990 c 126 § 1; 1983 c 16 § 9.]

RCW 44.05.100 Submission of plan to legislature--Amendment--Effect--Adoption by supreme court, when.

Applicable Cases

(1) Upon approval of a redistricting plan by three of the voting members of the commission, but not later than December 15th of the year ending in one, the commission shall submit the plan to the legislature.

(2) After submission of the plan by the commission, the legislature shall have the next thirty days during any regular or special session to amend the commission's plan. If the legislature amends the commission's plan the legislature's amendment must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto, and may not include more than two percent of the population of any legislative or congressional district.

(3) The plan approved by the commission, with any amendment approved by the legislature, shall be final upon approval of such amendment or after expiration of the time provided for legislative amendment by subsection (2) of this section whichever occurs first, and shall constitute the districting law applicable to this state for legislative and congressional elections, beginning with the next elections held in the year ending in two. This plan shall be in force until the effective date of the plan based upon the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).

(4) If three of the voting members of the commission fail to approve and submit a plan within the time limitations provided in subsection (1) of this section, the supreme court shall adopt a plan by March 1st of the year ending in two. Any such plan approved by the court is final and constitutes the districting law applicable to this state for legislative and congressional elections, beginning with the next election held in the year ending in two. This plan shall be in force until the effective date of the plan based on the next succeeding federal decennial census or until a modified plan takes effect as provided in RCW 44.05.120(6).

[1995 c 88 § 1; 1983 c 16 § 10.]

RCW 44.05.110 Cessation of operations--Financial statement--Official record.

Applicable Cases

(1) Following the period provided by RCW 44.05.100(1) for the commission's adoption of a plan, the commission shall take all necessary steps to conclude its business and cease operations. The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record shall contain all relevant information developed by the commission pursuant to carrying out its duties under this chapter, maps, data collected, minutes of meetings, written communications, and other information of a similar nature. Once the commission ceases to exist, the chief election officer shall be the custodian of the official record

for purposes of reprecincting and election administration. The chief election officer shall provide for the permanent preservation of this official record pursuant to chapter 42.17 RCW and Title 40 RCW. Once the commission ceases to exist any budget surplus shall revert to the state general fund.

(2) Except as provided in RCW 44.05.120 for a reconvened commission, the commission shall cease to exist on July 1st of each year ending in two unless the supreme court extends the commission's term.

[1983 c 16 § 11.]

RCW 44.05.120 Reconvening of commission to modify plan.

Applicable Cases

(1) If a commission has ceased to exist, the legislature may, upon an affirmative vote in each house of two-thirds of the members elected or appointed thereto, adopt legislation reconvening the commission for the purpose of modifying the redistricting plan.

(2) RCW 44.05.050 governs the eligibility of persons to serve on the reconvened commission. A vacancy involving a voting member of the reconvened commission shall be filled by the person who made the initial appointment, or their successor, within fifteen days after the effective date of the legislation reconvening the commission. A vacancy involving the nonvoting member of the commission shall be filled by an affirmative vote of at least [least] three of four voting members, within fifteen days after all other vacancies are filled or, if no other vacancies exist, within fifteen days after the effective date of the legislation reconvening the commission. A subsequent vacancy on a reconvened commission shall be filled by the person or persons who made the initial appointment, or their successor, within fifteen days after the vacancy occurs. If any appointing authority fails to make a required appointment within the time limitations established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) The provisions of RCW 44.05.070 and 44.05.080 are applicable if a commission is reconvened under this section.

(4) The commission shall complete the modification to the redistricting plan as soon as possible, but no later than sixty days after the effective date of the legislation reconvening the commission. At least three of the voting members shall approve the modification to the redistricting plan.

(5) Following approval of a modification to the redistricting plan by the commission, the legislature has the next thirty days during any regular or special session to amend the commission's modification. Any amendment by the legislature must be approved by an affirmative vote in each house of two-thirds of the members elected or appointed thereto. No amendment by the legislature may include more than two percent of the population of any legislative or congressional district contained in the commission's modification.

(6) The commission's modification to the redistricting plan, with any amendments approved by the legislature, shall be final upon approval of the amendments or after expiration of the time provided for legislative amendment by subsection (5) of this section, whichever occurs

first.

(7) Following the period provided by subsection (4) of this section for the commission's approval of a modification to the redistricting plan, the commission shall take all necessary steps to conclude its business and cease operations in accordance with RCW 44.05.110(1). A reconvened commission shall cease to exist ninety days after the effective date of the legislation reconvening the commission, unless the supreme court extends the commission's term.

[1983 c 16 § 12.]

RCW 44.05.130 Challenges to plan.

Applicable Cases

After the plan takes effect as provided in RCW 44.05.100, any registered voter may file a petition with the supreme court challenging the plan. After a modification to the redistricting plan takes effect as provided in RCW 44.05.120, any registered voter may file a petition with the supreme court challenging the amended plan. The court may consolidate any or all petitions and shall give all such petitions precedence over all other matters.

[1983 c 16 § 13.]

RCW 44.05.900 Contingent effective date--1983 c 16.

Applicable Cases

This act shall take effect if the proposed amendment to Article II of the state Constitution establishing a commission for state legislative and congressional redistricting is validly submitted to and is approved and ratified by the voters at a general election held in November, 1983. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety.

[1983 c 16 § 18.]

Notes:

Reviser's note: Senate Joint Resolution No. 103, requiring redistricting commissions and plans, was approved by the voters November 8, 1983, and is codified as Article II, section 43 of the state Constitution.

RCW 44.05.901 Severability--1983 c 16.

Applicable Cases

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

[1983 c 16 § 17.]

RCW 44.05.902 Severability--1984 c 13.

Applicable Cases

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

[1984 c 13 § 5.]

Chapter 44.07C RCW
LEGISLATIVE DISTRICTS AND APPORTIONMENT

Reviser's note: The following material represents the legislative portion of the redistricting plan filed with the legislature by the Washington State Redistricting Commission on January 1, 1992. For United States congressional districts, see chapter 29.69B RCW.

WASHINGTON STATE REDISTRICTING COMMISSION
REDISTRICTING PLAN

A PLAN Relating to the redistricting of state legislative and congressional districts.

BE IT APPROVED BY THE REDISTRICTING COMMISSION OF THE STATE OF WASHINGTON:

Sec. 1. It is the intent of the commission to reapportion and redistrict the congressional and legislative districts of the state of Washington in accordance with the Constitution and laws of the United States and the state of Washington.

Sec. 2. The definitions set forth in RCW 44.05.020 apply throughout this plan, unless the context requires otherwise.

Sec. 3. In every case the population of the congressional and legislative districts described by this plan has been ascertained on the basis of the total number of persons found inhabiting such areas as of January 1, 1990, in accordance with the 1990 federal decennial census data submitted pursuant to P.L. 94-171.

Sec. 4. (a) Any area not specifically included within the boundaries of any of the districts as described in this plan and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(b) Any area described in this plan as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(c) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(d) The 1990 United States federal decennial census data submitted pursuant to P.L. 94-171 shall be used for determining the number of inhabitants under this plan.

(e) If any court of competent jurisdiction requires nonresident military personnel that were not included in the United States census bureau data to be included, these persons shall be included in the population of the district or districts from which the persons were excluded.

Revised Code of Washington, 1999

Sec. 5. For purposes of this plan, districts shall be described in terms of:

- (1) Official United States census bureau tracts, block numbering areas, block groups, blocks, or census county divisions established by the United States bureau of the census in the 1990 federal decennial census;
- (2) Counties, municipalities, or other political subdivisions as they existed on January 1, 1990;
- (3) Any natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on January 1, 1990;
- (4) Roads, streets, or highways as they existed on January 1, 1990.

Sec. 6. The following abbreviations used in this plan have the following meanings:

- (1) "T" means "census tract";
- (2) "BG" means "census block group";
- (3) "B" means "block";
- (4) "BNA" means "block numbering area"; and
- (5) "Division" or "div." means "census county division".

Sec. 7. For election of members of the legislature, the territory of the state shall be divided into forty-nine districts. Two members of the house of representatives shall be elected from and run at large within each legislative district. One member of the senate shall be elected from each legislative district.

Sec. 8. The legislative districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 019L", maintained in computer files designated as FINAL-LEG, which are public records of the commission. As soon as practicable after approval and submission of this plan to the legislature, the commission shall publish PLAN PRCOM - 019L in conformity with the description terminology set forth in sec. 6.

Sec. 9. For election of members of Congress, the territory of the state shall be divided into nine districts. The congressional districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 0 C", maintained in computer files designated as FINAL-CON, which are public records of the commission. As soon as practicable after approval and submission of this plan to the legislature, the commission shall publish PLAN PRCOM - 0 C in conformity with the description terminology set forth in sec. 6.

Sec. 10. The commission intends that existing law shall continue to govern such matters as the terms and dates of election for members of the senate to be elected from each district, the status of "hold-over" senators, and the elections to fill vacancies, when required, provided that districts referred to in existing law and designated by number (without regard to any letter following that number) shall refer to districts of the same number described in this plan, beginning with the next elections in 1992.

Sec. 11. This commission intends that this plan supersede the district boundaries established by chapter 288, Laws of 1981 and chapter 17, Laws of 1983, and acknowledges that it is inconsistent with certain provisions of existing law, including but not limited to RCW 44.07B.001, RCW 44.07B.002, RCW 44.07B.005 through RCW 44.07B.800, RCW 44.07B.840, and RCW 29.69A.001 through RCW 29.69A.080.

District 1: King: Tract 0217: Block Group 1: Block 101, Block 102, Block 104, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214A, Block 214B, Block 215, Block 216, Block 217A, Block 217B, Block 217C, Block 218A, Block 218B, Block 219; Tract 0218.01: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 317, Block 318A, Block 318B, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 401A, Block 401B, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406A, Block 406B, Block 406C, Block 406D, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B, Block 413; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514A, Block 514B, Block 514C, Block 514D, Block 514E, Block 514F, Block 514G, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Tract 0218.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206A, Block 206B, Block 206C, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310; Tract 0219.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 401E, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0219.03: Block Group 2: Block 201, Block 202, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 0220.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905A, Block 905B, Block 905C, Block 905D, Block 906A, Block 906B, Block 906C, Block 907, Block 908A, Block 908B, Block 908C, Block 909, Block 910, Block 911A, Block 911B, Block 911C, Block 912A, Block 912B, Block 913, Block 914A, Block 914B, Block 914C, Block 914D, Block 915; Tract 0220.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0221: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Tract 0222.01: Block Group 3: Block 301, Block 302, Block 303, Block 304; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Tract 0222.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409,

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Block 410, Block 411, Block 412, Block 413; Tract 0222.98: Block Group 1: Block 101A, Block 102, Block 103, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301A, Block 302; Block Group 9: Block 905A; Tract 0223.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905B; Snohomish: Tract 0417: Block Group 4: Block 402B; Tract 0511: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206A, Block 206B, Block 206C, Block 206D, Block 206E, Block 207A, Block 207B, Block 207C, Block 207D, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 514, Block 515, Block 516; Tract 0512: Block Group 1: Block 102, Block 104, Block 105, Block 106A, Block 106B, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Tract 0513: Block Group 1: Block 101B, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 108C, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213A, Block 213B, Block 215, Block 226; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 314, Block 319, Block 321, Block 322, Block 323, Block 324; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Tract 0519.05: Block Group 1: Block 101, Block 102, Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303; Block Group 4: Block 405B, Block 405C, Block 408B, Block 408D, Block 409; Tract 0519.06: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 402C, Block 402D, Block 403A, Block 403B, Block 404A, Block 404B, Block 405A, Block 405B, Block 406, Block 407, Block 408A, Block 408B, Block 408C, Block 409A, Block 409B, Block 410A, Block 410B, Block 410C, Block 411A, Block 411B, Block 411C, Block 412, Block 413A, Block 413B, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422; Block Group 5: Block 501A, Block 501B, Block 501C, Block 501D, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Block Group 6: Block 601A, Block 601B, Block 601C, Block 602, Block 603A, Block 603B, Block 604A, Block 604B, Block 604C, Block 605, Block 606, Block 607, Block 608A, Block 608B, Block 609, Block 610, Block 611, Block 612; Tract 0519.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Tract 0519.08: Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620; Block Group 7: Block

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703, Block 704, Block 705; Tract 0519.09: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 203, Block 206, Block 207; Tract 0519.10: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 212, Block 213, Block 214; Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 418.

District 2: Pierce: Tract 0701: Block Group 4: Block 403, Block 404, Block 405; Tract 0702.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 402B, Block 403B, Block 404, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Tract 0702.02: Block Group 7: Block 704; Tract 0703.05: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 208, Block 209; Block Group 3: Block 303, Block 307, Block 308; Tract 0704: Block Group 2: Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 307C, Block 307D, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326A, Block 326B, Block 327, Block 329, Block 330, Block 331; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441A, Block 441B, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449; Tract 0713.02: Block Group 2: Block 210, Block 211; Block Group 3: Block 305A, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Tract 0713.03: Block Group 5: Block 509, Block 510, Block 511A, Block 511B; Tract 0714.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915; Tract 0714.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Tract 0714.04, Tract 0714.05: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 112C; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906; Tract 0715.01: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block

305, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608; Tract 0715.03: Block Group 1: Block 107, Block 110, Block 111, Block 112, Block 114; Block Group 2: Block 213, Block 215, Block 216; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Tract 0720: Block Group 1: Block 101, Block 102, Block 106, Block 108; Block Group 2: Block 202; Block Group 5: Block 501, Block 502; Block Group 6: Block 601, Block 602, Block 603; Block Group 7: Block 701; Tract 0728, Tract 0729.01: Block Group 1: Block 101D, Block 101E, Block 102, Block 104A, Block 105; Tract 0729.02, Tract 0730.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134A, Block 134B, Block 135A, Block 135B, Block 135C, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 202C, Block 202D, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420; Tract 0730.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243; Tract 0731.03: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220A, Block 220B, Block 220C, Block 221, Block 222A, Block 222B, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0731.04: Block Group 1: Block 104; Block Group 2: Block 215, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 504, Block 505, Block 506, Block 507; Tract 0731.05: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301,

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Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635; Tract 0731.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322; Block Group 4: Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475.

District 3: Spokane: Tract 0001: Block Group 1: Block 113D; Tract 0002: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 318, Block 319A, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Tract 0003: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Tract 0004: Block Group 1: Block 126, Block 127; Block Group 2: Block 203, Block 204, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 308, Block 309; Tract 0010: Block Group 3: Block 301, Block 302, Block 303, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 321, Block 322, Block 323, Block 324, Block 325; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 504,

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District 4: Spokane: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 113E, Block 113F, Block 114, Block 115A, Block 115B, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 176, Block 177, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185; Tract 0002: Block Group 3: Block 317, Block 319B; Tract 0017: Block Group 4: Block 401B; Tract 0101: Block Group 2: Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 270, Block 271, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 290, Block 291; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 950; Tract 0102: Block Group 3: Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378; Block Group 4: Block 441, Block 442; Block Group 9: Block 901, Block 902, Block 903; Tract 0105.01: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418; Tract 0108: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 131, Block 132, Block 133, Block 139, Block 140, Block 141, Block 144, Block 145, Block 146; Tract 0111: Block Group 2: Block 201, Block 207, Block 209, Block 213, Block 214, Block 215, Block 218, Block 219, Block 220; Tract 0112.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908A, Block 908B, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938B, Block 939, Block 940, Block 941, Block 942, Block 943, Block 944, Block 945, Block 946, Block 947, Block 948, Block 949, Block 950, Block 951, Block 952, Block 953, Block 954, Block 955, Block 956, Block 957B; Tract 0112.02: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309,

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District 5: King: Tract 0234.02: Block Group 6: Block 601A, Block 608A, Block 609A, Block 610; Tract 0250.02: Block Group 2: Block 202C; Block Group 9: Block 901B, Block 901C; Tract 0256: Block Group 9: Block 907A, Block 907B, Block 907C; Tract 0257: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Block Group 6: Block 605, Block 606, Block 607, Block 608; Block Group 7: Block 701A, Block 701B; Tract 0258.02: Block Group 1: Block 101, Block 102, Block 103, Block 114; Block Group 2: Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 305, Block 306, Block 307; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 913; Tract 0293.01: Block Group 5: Block 504, Block 508, Block 509, Block 510, Block 511, Block 512; Tract 0293.02: Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 921, Block 922, Block 923, Block 924, Block 925; Tract 0315: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 157, Block 158, Block 159, Block 160, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427A, Block 427B, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457; Block Group 5: Block 501, Block 502, Block 503, Block 504A, Block 504B, Block 505, Block 506, Block 507, Block 508, Block 510, Block 512; Tract 0316: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106C, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113, Block 114, Block 115B, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 214; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520B, Block 522, Block 523; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615B; Block Group 7: Block 701, Block 702, Block 703B, Block 703C; Tract 0318: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 136, Block 137; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Tract 0319.03: Block Group 4: Block 401, Block 405, Block 406; Block Group 9:

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Block Group 9: Block 901, Block 902, Block 903; Tract 0319.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909; Tract 0320.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Tract 0320.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134; 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Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609A, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 620, Block 624, Block 629, Block 630; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 905A, Block 905B, Block 907, Block 908, Block 909, Block 910; Tract 0321.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220,

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Block Group 3: Block 301, Block 302, Block 303; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 408C, Block 409A, Block 409B, Block 409C, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B, Block 907C, Block 908, Block 909, Block 910, Block 911A, Block 911B, Block 911C, Block 912A, Block 912B, Block 912C; Tract 0322.05: Block Group 1: Block 101, Block 102, Block 103; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911A, Block 911B, Block 912, Block 913, Block 914A, Block 914B, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933; Tract 0322.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105; Block Group 2: Block 201, Block 202; Tract 0323.04: Block Group 4: Block 404; Tract 0323.05: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Block Group 6: Block 601, Block 602; Block Group 7: Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716; Tract 0325: Block Group 2: Block 215, Block 216, Block 217, Block 218, Block 219; Tract 0326: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152; 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Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224A, Block 224B, Block 225A, Block 225B, Block 226, Block 227A, Block 227B, Block 228, Block 229; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block

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District 6: Spokane: Tract 0003: Block Group 4: Block 424; Tract 0004: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 119, Block 120, Block 121, Block 122, Block

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Tract 0009: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 511, Block 512; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822A, Block 822B; Block Group 9: Block 901, Block 902, Block 903; Tract 0010: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 228, Block 229, Block 230, Block 231, Block 232; Block Group 3: Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 319, Block 320; Block Group 5: Block 502, Block 503, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 519, Block 520, Block 521, Block 523, Block 524, Block 525, Block 526, Block 527, Block 529, Block 530, Block 531; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 202; Block Group 3: Block 323; Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 415, Block 418, Block 419, Block 420, Block 421; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522; Tract 0012: Block Group 1: Block 108; Tract 0013: Block Group 3: Block 334; Tract 0022: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112,

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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 227, Block 228; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Tract 0039, Tract 0040: Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 425; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523; Tract 0042: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533; Block Group 6: Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622; Tract 0043: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336;

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Tract 0044: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422; Tract 0045: Block Group 1: Block 101, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 118, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Tract 0046: Block Group 1: Block 136; Block Group 2: Block 205, Block 216, Block 225; Block Group 4: Block 407, Block 412, Block 413, Block 423, Block 425, Block 426, Block 427; Tract 0047: Block Group 1: Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 216, Block 217, Block 218, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 429, Block 432, Block 433, Block 436, Block 444, Block 445; Tract 0104.01: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 9: Block 902; Tract 0104.02: Block Group 1: Block 122, Block 123, Block 124, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 193, Block 194; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 253, Block 254, Block 255, Block 258, Block 259, Block 260, Block 261, Block 262A, Block 262B, Block 263, Block 264, Block 265, Block 280, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293; Tract 0105.01: Block Group 1: Block 101, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Block Group 4: Block 417; Tract 0105.98: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 350; Block Group 5: Block 501, Block 502, Block 504; Block Group 8: Block 812A, Block 813, Block 814, Block 815; Tract 0106: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 114C, Block 115, Block 116; Block Group 9: Block 901A, Block 901B, Block 901C, Block 902, Block 903A, Block 903B, Block 904, Block 905, Block 906,

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Tract 0109: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225; Tract 0110: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319A, Block 319B, Block 320A, Block 320B, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 208, Block 210, Block 211, Block 212, Block 216, Block 217, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240; Tract 0112.01: Block Group 9: Block 938A, Block 957A, Block 958, Block 959; Tract 0134.01: Block Group 9: Block 928, Block 931, Block 932A; Tract 0134.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119A, Block 119B, Block 120A, Block 120B, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 210, Block 211, Block 212A, Block 212B, Block 213A, Block 213B, Block 214A, Block 214B, Block 220, Block 221, Block 222, Block 224, Block 225, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240; Block Group 3: Block 301A, Block 301B, Block 303, Block 304, Block 305, Block 306, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419; Block Group 9: Block 901, Block 902A, Block 902B, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 923; Tract 0135: Block Group 1: Block 104, Block 105, Block 106, Block 116, Block 117; Block Group 2: Block 201A, Block 202A, Block 203; Block Group 3: Block 301, Block 302, Block 303, Block 307, Block 309, Block 310; Tract 0136: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109A, Block 110, Block

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District 7: Ferry, Lincoln, Okanogan: Tract 9701: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164A, Block 164B, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172A, Block 172B, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181A, Block 181B, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191A, Block 191B, Block 192A, Block 192B, Block 193, Block 194, Block 195, Block 196, Block 197; Tract 9702: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 132, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 159, Block 160, Block 194, Block 195, Block 196; Block Group 2: Block 201A, Block 201B, Block 201C, Block 201D, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223A, Block 223B, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236B, Block 237, Block 238, Block 239, Block 240A, Block 240B, Block 241, Block 242A, Block 242B, Block 243A, Block 244A, Block 244B, Block 244C, Block 245, Block 246, Block 247A, Block 247B, Block 248, Block 249, Block 250, Block 251A, Block 251B, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260A, Block 260B, Block 261, Block 262, Block 263, Block 264A, Block 264B, Block 266, Block 267, Block 268; Tract 9703, Tract 9704, Tract 9705: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122A, Block 122B, Block 123A, Block 123B, Block 124A, Block 124B, Block 125A, Block 125B, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141A, Block 141B, Block 142, Block 143A, Block 143B, Block 144, Block 145; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 216B, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231A, Block 231B, Block 232A, Block 232B, Block 233A, Block 233B, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308,

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Tract 9706: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 154, Block 155, Block 156, Block 157, Block 158A, Block 158B, Block 159A, Block 159B, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 208C, Block 208D, Block 208E, Block 209A, Block 209B, Block 209C, Block 210A, Block 210B, Block 210C, Block 210D, Block 210E, Block 210F, Block 211A, Block 211B, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220A, Block 220B, Block 220C, Block 221, Block 222, Block 223; 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Tract 9707: Block Group 1: Block 101B, Block 106C; Block Group 2: Block 201, Block 202E, Block 203; Pend Oreille, Spokane: Tract 0101: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block

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Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605A, Block 606A, Block 608A, Block 609A, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617A, Block 618A, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630A, Block 631A, Block 633A, Block 634A, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642A, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650A, Block 651, Block 652, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658, Block 659, Block 660, Block 661, Block 662, Block 663, Block 664, Block 665, Block 666, Block 667, Block 668, Block 669, Block 670, Block 671, Block 672, Block 673, Block 674, Block 675, Block 676, Block 677, Block 678, Block 679, Block 680, Block 681, Block 682, Block 683, Block 684, Block 685, Block 686, Block 687, Block 688, Block 689, Block 690, Block 691, Block 692, Block 693, Block 694, Block 695, Block 696, Block 697; 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234B, Block 234C, Block 234D, Block 235, Block 236, Block 237, Block 238, Block 239; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 308A, Block 308B, Block 308C, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 418; Block Group 5: Block 501A, Block 501B, Block 501C, Block 501D, Block 501E, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507A, Block 507B, Block 507C, Block 507D, Block 507E, Block 508, Block 509, Block 510A, Block 510B, Block 511, Block 512, Block 513, Block 514; Tract 0108.01: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209A, Block 209B, Block 209C, Block 209D, Block 210, Block 211; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315A, Block 315B, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407A, Block 407B, Block 408, Block 409A, Block 409B, Block 410, Block 411A, Block 411B, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430A, Block 430B, Block 430C, Block 431A, Block 431B, Block 432, Block 433A, Block 433B, Block 434A, Block 434B, Block 435A, Block 435B, Block 436, Block 437, Block 438A, Block 438B, Block 438C, Block 439, Block 440A, Block 440B, Block 441, Block 442, Block 445, Block 446, Block 447; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 503, Block 504, Block 532, Block 533, Block 534; Tract 0108.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 105C, Block 105D, Block 105E, Block 105F, Block 105G, Block 105H, Block 105J, Block 106A, Block 106B, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 110C, Block 111, Block 112, Block 113A, Block 113B, Block 114A, Block 114B, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205A, Block 205B, Block 205C, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318A, Block 318B, Block 319A, Block 319B, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508A, Block 508B, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522; Block Group 6: Block 601A, Block 601B, Block 601C, Block 602, Block 603, Block 604, Block 605, Block 606A, Block 606B, Block 606C, Block 606D, Block 606E, Block 607, Block 608, Block 609A, Block 609B, Block 610A, Block 610B, Block 610C, Block 610D, Block 610E, Block 611, Block 612A, Block 612B, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624A, Block 624B, Block 625A, Block 625B, Block 626A, Block 626B, Block 626C, Block 627, Block 629A; Tract 0109.01: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104A, Block 104B, Block 104C, Block 104D, Block 104E, Block 105, Block 106, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420; Block Group 5: Block 501, Block 502A, Block 502B, Block 502C, Block 503, Block 504A, Block 504B, Block 505, Block 506A, Block 506B, Block 507, Block 508, Block 509A, Block 509B, Block 510A, Block 510B, Block 511, Block 512A, Block 512B, Block 513; Block Group 6: Block 601, Block 602,

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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610; Tract 0110.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 307C, Block 307D, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 503C, Block 503D, Block 504A, Block 504B, Block 505A, Block 505B, Block 506, Block 507, Block 508; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523; Block Group 6: Block 601A, Block 601B, Block 602, Block 603, Block 604, Block 605A, Block 605B, Block 605C, Block 605D, Block 606; Block Group 7: Block 701A, Block 701B, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707A, Block 707B, Block 708, Block 709, Block 710, Block 711, Block 712; Tract 0112, Tract 0113: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322,

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Tract 0114.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315A, Block 315B, Block 315C, Block 316, Block 317, Block 318, Block 319; Tract 0114.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 303, Block 304, Block 305; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519; Tract 0115.01: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106A, Block 106B, Block 106C, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Tract 0115.02: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308A, Block 308B, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507, Block 508, Block 509A, Block 509B, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612,

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Block Group 3: Block 304, Block 305, Block 306, Block 308, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370; Tract 0136: Block Group 1: Block 109B, Block 111, Block 127, Block 145, Block 146; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 220, Block 221, Block 222, Block 223, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 242, Block 243, Block 244; 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Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0138: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107; Tract 0139: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124A, Block 124B, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149A, Block 149B, Block 149C, Block 149D, Block 150, Block 151, Block 152; Block Group 2: Block 201, Block 202A, Block 202B, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block

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Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Tract 0140.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; 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Tract 0141: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242; Block Group 3: Block 301, Block 302A, Block 302B, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 335, Block 336, Block 337, Block 338, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 351, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block

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District 10: Island, Skagit: Tract 9502: Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341; Tract 9508: Block Group 3: Block 334, Block 336; Tract 9512: Block Group 2: Block 236, Block 281, Block 282, Block 284; Tract 9516: Block Group 2: Block 202, Block 203, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325C, Block 325D, Block 326A, Block 326B, Block 329, Block 330, Block 337B, Block 338B, Block 339, Block 340, Block 341B, Block 342; Tract 9518: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104D, Block 130, Block 131A, Block 131B, Block 131C, Block 132A, Block 132B, Block 133, Block 134A, Block 134B, Block 135, Block 136; Block Group 2: Block 223, Block 224A, Block 224B, Block 225A, Block 225B, Block 226A, Block 226B, Block 235A, Block 235B, Block 236, Block 237A, Block 237B, Block 238A, Block 238B, Block 238C, Block 239A, Block 239B, Block 240, Block 247B, Block 248; Tract 9519: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242; Tract 9520, Tract 9521, Tract 9522: Block Group 1: Block 104A, Block 104B, Block 104C, Block 105A, Block 105B, Block 106; Tract 9524: Block Group 1: Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Tract 9525: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420; Tract 9526: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317A, Block 317B, Block 317C, Block 317D, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324; Block Group 4: Block 401C, Block 421, Block 422, Block 423, Block 424B; Tract 9527: Block Group 1: Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107B, Block 108B, Block 109B, Block 110B, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152,

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Snohomish: Tract 0530.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637A, Block 637B, Block 638, Block 639, Block 640, Block 641; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913; Tract 0531: Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Tract 0532: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341;

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Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 713, Block 719, Block 720, Block 721, Block 724, Block 730, Block 734, Block 735, Block 737; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808A, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851; Tract 0093.99: Block Group 8: Block 808D, Block 808Z; Tract 0094: Block Group 3: Block 301, Block 310, Block 311, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 421; Block Group 5: Block 501, Block 502, Block 504, Block 510, Block 512, Block 518, Block 523, Block 524, Block 525, Block 526; Tract 0098: Block Group 4: Block 409; Tract 0099: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 215, Block 217, Block 220, Block 221, Block 226, Block 227; Block Group 3: Block 301, Block 309, Block 312, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 515, Block 516, Block 517, Block 518A, Block 519; Block Group 6: Block 601; Tract 0099.99: Block Group 5: Block 518Z; Tract 0100: Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 326; Block Group 4: Block 401, Block 402, Block 404, Block 405, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 519, Block 520, Block 521, Block 522, Block 523; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 608, Block 609, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627; Block Group 7: Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 723, Block 724, Block 725, Block 726; Tract 0104: Block Group 3: Block 308, Block 310, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 411, Block 412, Block 413, Block 414, Block 415, Block 420, Block 421, Block 422; Block Group 5: Block 501, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707; Block Group 8: Block 801, Block 803, Block 804; Tract 0105: Block Group 1: Block 101, Block 103, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 6: Block 614, Block 615; Tract

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Tract 0108: Block Group 1: Block 101, Block 102, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 216, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Tract 0109: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 222, Block 223, Block 224, Block 225, Block 231, Block 234, Block 235; 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Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206, Block 207, Block 210, Block 212A, Block 212B, Block 214A, Block 214B, Block 215, Block 216, Block 217, Block 219, Block 220, Block 221, Block 230A, Block 230B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 409, Block 413, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 422; Tract 0113: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 204, Block 205, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0114: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block

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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417A, Block 417B, Block 418, Block 419A, Block 419B, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517A, Block 517B, Block 517C, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534; Tract 9805, Tract 9806, Tract 9807, Tract 9808, Tract 9809, Tract 9810, Tract 9811, Tract 9812: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215A, Block 215B, Block 216A, Block 216B, Block 217A, Block 217B, Block 218A, Block 218B, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; 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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220,

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Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 305, Block 312, Block 313, Block 315, Block 317, Block 320, Block 324; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 410, Block 411; Block Group 6: Block 601, Block 602A, Block 602B, Block 602C, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 741, Block 742, Block 743, Block 744, Block 745, Block 746, Block 747, Block 748, Block 749, Block 750, Block 751, Block 752, Block 756, Block 759, Block 760, Block 761, Block 762, Block 763, Block 764, Block 765, Block 766, Block 767, Block 768, Block 769, Block 770, Block 771, Block 772, Block 773, Block 774, Block 775, Block 776, Block 777, Block 778, Block 779, Block 780, Block 781, Block 782, Block 783, Block 784, Block 785, Block 786, Block 789, Block 790, Block 791, Block 792, Block 793, Block 794, Block 795, Block 796, Block 797; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924, Block 925, Block 926, Block 927, Block 928, Block 929, Block 930, Block 931, Block 932, Block 933, Block 934, Block 935, Block 936, Block 937, Block 938, Block 939, Block 940, Block 941, Block 942, Block 943, Block 944, Block 945; Tract 0018: Block Group 1: Block 101, Block 102, Block 103, Block 156; Tract 0021: Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 807, Block 808, Block 809, Block 820; Tract 0022: Block Group 6: Block 601; Tract 0027: Block Group 5: Block 516; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834; 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Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Tract 0029: Block Group 1: Block 102; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229; Block

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Tract 0013: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 220, Block 221, Block 222, Block 223A, Block 223B, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229A, Block 229B, Block 230; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306A, Block 306B; Tract 0014: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115B, Block 115C, Block 116, Block 117, Block 118, Block 119A, Block 119B, Block 120; 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Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 517, Block 518, Block 519, Block 520, Block 521, Block 524, Block 525; Tract 0016: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block

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Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549; Tract 0108.02: Block Group 6: Block 628, Block 629B, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635; Tract 0115.02: Block Group 3: Block 309, Block 310, Block 311; Tract 0116: Block Group 1: Block 106, Block 107, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 297; Tract 0117: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 114A, Block 114B, Block 115A, Block 115B, Block 115C, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126A, Block 126B, Block 126C, Block 127A, Block 127B, Block 128A, Block 128B, Block 129A, Block 129B, Block 130A, Block 130B, Block 131A, Block 131B, Block 132A, Block 132B, Block 132C, Block 133A, Block 133B, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141A, Block 141B, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148A, Block 148B, Block 149A, Block 149B, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173A, Block 173B, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181A, Block 181B, Block 182, Block 183; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 210A, Block 210B, Block 211, Block 212, Block 213A, Block 213B, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221A, Block 221B, Block 222A, Block 222B, Block 223A, Block 223B, Block 224, Block 225A, Block 225B, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231A, Block 231B, Block 232A, Block 232B, Block 232C, Block 233A, Block 233B, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246A, Block 246B, Block 247A, Block 247B, Block 248, Block 249; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block

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Block Group 5: Block 506; Block Group 7: Block 739, Block 740, Block 753, Block 754, Block 755, Block 757, Block 758, Block 787, Block 788; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860; Tract 0018: Block Group 1: Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184A, Block 184B, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 212C, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356A, Block 356B, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364A, Block 364B, Block 365A, Block 365B, Block 366A, Block 366B, Block 366C, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376A, Block 376B, Block 377A, Block 377B, Block 377C, Block 378A, Block 378B, Block 379A, Block 379B, Block 380, Block 381, Block 382, Block 383A, Block 383B, Block 384, Block 385, Block 386, Block 387, Block 388; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block

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Tract 0019: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 102D, Block 103, Block 104A, Block 104B, Block 104C, Block 105A, Block 105B, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109A, Block 109B, Block 109C, Block 110A, Block 110B, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129A, Block 129B, Block 129C, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204A, Block 204B, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 210C, Block 210D, Block 211, Block 212, Block 213A, Block 213B, Block 214A, Block 214B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346A, Block 346B, Block 347, Block 348, Block 349, Block 350A, Block 350B, Block 351, Block 352A, Block 352B, Block 353, Block 354, Block 355; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422A, Block 422B, Block 423, Block 424, Block 425, Block 426A, Block 426B, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Tract 0020.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103A, Block 103B, Block 104A, Block 104B, Block 104C, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233A, Block 233B, Block 234A, Block 234B; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335A, Block 335B, Block 336A, Block 336B, Block 337; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block

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Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 604C, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619A, Block 619B, Block 620A, Block 620B, Block 621, Block 622, Block 623A, Block 623B, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636A, Block 636B; Tract 0021: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151, Block 152, Block 153, Block 154, Block 155A, Block 155B, Block 156; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 203A, Block 203B, Block 204A, Block 204B, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 216B, Block 216C, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460A, Block 460B, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468A, Block 468B, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626A, Block 626B, Block 627, Block 628, Block 629A, Block 629B, Block 629C, Block 629D, Block 629E, Block 630, Block 631A, Block 631B, Block 632, Block 633; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 731, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742, Block 743, Block 744, Block 745, Block 746, Block 747, Block 748, Block 749, Block 750, Block 751, Block

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Tract 0022: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 105C, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221A, Block 221B, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228A, Block 228B, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251A, Block 251B, Block 252A, Block 252B, Block 253, Block 254, Block 255A, Block 255B, Block 256A, Block 256B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411A, Block 411B, Block 412A, Block 412B, Block 413A, Block 413B, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542; Block Group 6: Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715A, Block 715B, Block 716, Block 717, Block 718A, Block 718B, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850, Block 851, Block 852, Block 853, Block 854, Block 855, Block 856, Block 857, Block 858, Block 859, Block 860, Block 861, Block 862, Block 863, Block 864, Block 865, Block 866, Block 867, Block 868, Block 869, Block 870, Block 871, Block 872, Block 873, Block 874, Block 875; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909,

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Cowlitz: Tract 0006.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Tract 0008: Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508; Block Group 6: Block 601A, Block 601B, Block 602B, Block 604B, Block 605, Block 606, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703; Tract 0009: Block Group 4: Block 410, Block 411, Block 413; Tract 0010: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427; 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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0013: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 114A, Block 114B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210A, Block 210B, Block 211, Block 212, Block 213A, Block 213B; Block Group 3: Block 301, Block 302, Block 303, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 322,

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Lewis: Tract 9701: Block Group 1: Block 172, Block 173, Block 174, Block 175, Block 176; Block Group 2: Block 253, Block 254, Block 287, Block 291, Block 295, Block 296, Block 297; Tract 9711: Block Group 2: Block 216, Block 217, Block 218, Block 219, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231; Block Group 3: Block 305, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 9712: Block Group 1: Block 101, Block 102, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232,

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Tract 9715: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 105A, Block 105B, Block 105C, Block 106A, Block 106B, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115A, Block 115B, Block 115C, Block 116A, Block 116B, Block 117A, Block 117B, Block 117C, Block 118A, Block 118B, Block 119, Block 120, Block 121A, Block 121B, Block 122, Block 123A, Block 123B, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134A, Block 134B, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214A, Block 214B, Block 214C, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227A, Block 227B, Block 228, Block 229, Block 230A, Block 230B, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395; Block Group 4: Block 401, Block 402, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474, Block 475, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492, Block 493, Block 494, Block 495, Block 496, Block 497; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 513, Block 514, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524A, Block 524B, Block 525A, Block 525B, Block 526, Block 527, Block 528A, Block 528B, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558, Block 559, Block 560,

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Tract 0005.02: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610; Tract 0006.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0006.02: Block Group 1: Block 113, Block 114, Block 115, Block 116, Block 117; 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Block Group 5: Block 543A, Block 543B, Block 543C, Block 544, Block 545, Block 546A, Block 547, Block 548, Block 549A, Block 549B, Block 549C, Block 549E, Block 550, Block 577, Block 578, Block 579, Block 580, Block 581, Block 582, Block 583, Block 584; Tract 0007: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 217, Block 218, Block 219, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304A, Block 304B, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320A, Block 320B, Block 321, Block 322A, Block 322B, Block 323, Block 324, Block 325, Block 326, Block 327A, Block 327B, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333A, Block 333B, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365A, Block 365B, Block 366A, Block 366B, Block 367, Block 368, Block 369, Block 370A, Block 370B, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383A, Block 383B, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395, Block 396, Block 397; Tract 0008: Block Group 1: Block 113, Block 114, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212; Block Group 3: Block 301A, Block 301B, Block 303, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316A, Block 316B, Block 317, Block 318A, Block 318B, Block 318C, Block 318D, Block 319A, Block 319B, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330A, Block 330B, Block 331, Block 332, Block 333, Block 334A, Block 334B, Block 335, Block 336A, Block 336B, Block 336C, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343A, Block 343B, Block 344A, Block 344B, Block 345, Block 346, Block 347, Block 348A, Block 348B, Block 349A, Block 349B, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356; Block Group 4: Block

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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 406C, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429A, Block 429B, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437A, Block 437B, Block 438, Block 439; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511A, Block 511B, Block 512, Block 513, Block 514, Block 515, Block 516A, Block 516B, Block 516C, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 525B, Block 525C, Block 525D, Block 525E, Block 525F, Block 526A, Block 526B, Block 526C, Block 527, Block 528, Block 529A, Block 529B, Block 529C, Block 529D, Block 530, Block 531A, Block 531B, Block 532A, Block 532B, Block 532C, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542A, Block 542B, Block 543, Block 544; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652A, Block 652B, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658; Tract 0010: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139; Block Group 2: Block 201A, Block 203A, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block

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District 20: Lewis: Tract 9701: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 288, Block 289, Block 290, Block 292, Block 293, Block 294; Tract 9702, Tract

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Block Group 4: Block 401, Block 402, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449A, Block 449B, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468, Block 469, Block 470, Block 471, Block 472, Block 473, Block 474A, Block 474B, Block 475A, Block 475B, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483, Block 484, Block 485, Block 486, Block 487, Block 488, Block 489, Block 490, Block 491, Block 492, Block 493, Block 494, Block 495, Block 496, Block 497; Tract 0702.01: Block Group 4: Block 401, Block 402A, Block 403A, Block 405; Tract 0702.02: Block Group 4: Block 433, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451B; Block Group 7: Block 701A, Block 701B, Block 702, Block 703A, Block 703B, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710A, Block 710B, Block 711A, Block 711B, Block 712A, Block 712B, Block 712C, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721C, Block 722, Block 723C, Block 724, Block 725, Block 726, Block 727D; Tract 0704: Block Group 3: Block 328; Tract 0730.02: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378A, Block 378B, Block 379, Block 380, Block 381, Block

382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389, Block 390, Block 391, Block 392, Block 393, Block 394, Block 395, Block 396, Block 397; Tract 0731.06: Block Group 3: Block 302; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 476, Block 477, Block 478, Block 479, Block 480, Block 481, Block 482, Block 483; Tract 0732; Thurston: Tract 0108: Block Group 3: Block 317; Block Group 5: Block 501, Block 502A, Block 502B, Block 505, Block 507, Block 508, Block 509, Block 510, Block 511A, Block 511B, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519A, Block 519B, Block 520A, Block 520B, Block 521A, Block 521B, Block 521C, Block 522A, Block 522B, Block 523; Tract 0109: Block Group 2: Block 201, Block 202A, Block 202B, Block 202C, Block 202D, Block 202F, Block 203, Block 211A, Block 211B, Block 212A, Block 212B, Block 218A, Block 218B, Block 218C; Tract 0116.10: Block Group 5: Block 501, Block 502, Block 503; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608; Tract 0116.20: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308B, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; Tract 0117: Block Group 4: Block 402, Block 403, Block 404, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521; Tract 0118: Block Group 1: Block 175, Block 176, Block 177; Block Group 3: Block 301A; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650; Block Group 7: Block 731, Block 743, Block 744, Block 745, Block 746; Block Group 8: Block 851; Tract 0123: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602A, Block 602B, Block 602C, Block 603, Block 604, Block 605, Block 606A, Block 606B, Block 607, Block 608, Block 609A, Block 609B, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620; Tract 0124: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 413C, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442,

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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405, Block 406A, Block 406B, Block 406C, Block 407, Block 409A, Block 409B, Block 410A, Block 410B, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 510, Block 511, Block 512, Block 513, Block 516; Tract 0509: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106A, Block 106B, Block 107, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 311; Tract 0510: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 113, Block 114, Block 121, Block 123A, Block 123B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303A, Block 303B, Block 303C, Block 304A, Block 304B, Block 304C, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 309C, Block 310, Block 311, Block 312, Block 313; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 503, Block 508A, Block 508B; Tract 0513: Block Group 1: Block 101A; Tract 0514: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109A, Block 109B, Block 110, Block 120, Block 121, Block 122; Block Group 2: Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 319, Block 322, Block 324; 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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312A, Block 312B, Block 313; Block Group 4: Block 401A, Block 401B, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404A, Block 404B, Block 405; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 506, Block 507A, Block 507B, Block 507C, Block 508, Block 509A, Block 509B, Block 509C, Block 510, Block 511, Block 512, Block 513, Block 514, Block 517, Block 522, Block 525, Block 526; Tract 0517: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210,

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District 22: Thurston: Tract 0101, Tract 0102: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104A, Block 104B, Block 106, Block 108, Block 109, Block 110, Block 131, Block 142, Block 143; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250A, Block 250B, Block 250C, Block 251A, Block 251B, Block 252, Block 253, Block 254, Block 255, Block 256; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 302C, Block 302D, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 307C, Block 307D, Block 307E, Block 308, Block 309, Block 310; Tract 0103: Block Group 1: Block 101, Block 102, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 338A, Block 338B, Block 339A, Block 339B, Block 340A, Block 340B, Block 341, Block 350, Block 351, Block 352; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414A, Block 414B, Block 415A, Block 415B, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505A, Block 505B, Block 505C, Block 506A, Block 506B, Block 507A, Block 507B, Block 508A, Block 508B, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521A, Block 521B, Block 521C, Block 522A, Block 522B, Block 522C, Block 523, Block 524; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628; Tract 0104: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125A, Block 125B, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 303A, Block 303B, Block 303C, Block 303D, Block 303E, Block 303F, Block 303G, Block 303H, Block 304A, Block 304B, Block 304C, Block 304D, Block 305, Block 311A, Block 311B, Block 315A, Block 315B, Block 315C, Block 316A, Block 316B, Block 316C, Block 316D, Block 317A, Block 317B, Block 317C, Block 351, Block 352A, Block 352B, Block 352C; Tract 0105: Block Group 1: Block 115, Block 116, Block 117A, Block

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Tract 0108: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102, Block 103, Block 104, Block 120, Block 123, Block 124, Block 152; Block Group 2: Block 201, Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 503, Block 504, Block 506; Tract 0109: Block Group 3: Block 301A, Block 301B, Block 301C, Block 302A, Block 302B, Block 303A, Block 303B, Block 304A, Block 304B, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 308A, Block 308B, Block 308C, Block 308D, Block 308E, Block 309, Block 310A, Block 310B, Block 310C; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 402C, Block 403A, Block 403B, Block 403C, Block 404A, Block 404B, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525A, Block 525B, Block 525C, Block 525D, Block 526, Block 527; Block Group 6: Block 601, Block 602A, Block 602B, Block 603, Block 604A, Block 604B, Block 604C, Block 604D, Block 605A, Block 605B, Block 605C, Block 605D, Block 606; Block Group 7: Block 701, Block 702A, Block 702B, Block 702C, Block 702D, Block 703A, Block 703B, Block 704, Block 705; Tract 0110: Block Group 1: Block 101A, Block 101B, Block 102, Block 104, Block 105, Block 107A, Block 107B, Block 107C, Block 108A, Block 108B, Block 108C; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110A, Block 110B, Block 110C, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210A, Block 210B; Tract 0112: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 405C, Block 405D, Block 406, Block 407A, Block 407B, Block 408, Block 409, Block 410, Block 411, Block 412; Tract 0113, Tract 0114: Block Group 1: Block 101, Block 102, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504,

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Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Tract 0116.10: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 306C, Block 307A, Block 307B, Block 307C; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 405, Block 406, Block 407, Block 408; Tract 0116.20: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 308A; Tract 0117: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401; Tract 0120: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519; Tract 0121: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411; Tract 0122.10: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 405, Block 406, Block 407, Block 408, Block 409A, Block 409B, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605; Tract 0122.20: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301; Block Group 4: Block 401, Block 402, Block 403, Block 404; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505; Block Group 6: Block 601A, Block 601B, Block 602A, Block 602B, Block 602C, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620,

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Block 621, Block 622; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709; Tract 0123: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215.

District 23: Kitsap: Tract 0801.01: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103A, Block 103B, Block 103C, Block 104A, Block 104B, Block 105, Block 106, Block 107; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209; Tract 0801.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 0802: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116A, Block 116B, Block 116C; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301A, Block 301B, Block 301C, Block 301D, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 309, Block 311; Tract 0803: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 111, Block 113, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Tract 0804: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 117, Block 118, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 142, Block 143; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304A, Block 304B, Block 304C, Block 305A, Block 305B, Block 305C, Block 305D, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406; Tract 0901.01, Tract 0901.02, Tract 0902, Tract 0903, Tract 0903.99, Tract 0904, Tract 0905, Tract 0906.01, Tract 0906.02, Tract 0907, Tract 0908, Tract 0909, Tract 0910, Tract 0911, Tract 0912.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306, Block 312, Block 313; Tract 0912.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Tract 0913: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126; Block Group 2: Block 201, Block 224, Block 225; Block Group 4: Block 401; Tract 0915: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Tract 0916: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 218, Block 219; Tract 0917: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106,

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Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312; Tract 0918: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Tract 0919: Block Group 1: Block 101, Block 103, Block 104, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228.

District 24: Clallam, Grays Harbor: Tract 0001, Tract 0002, Tract 0003, Tract 0004: Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 546B, Block 549D, Block 551, Block 552A, Block 552B, Block 552C, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558A, Block 558B, Block 558C, Block 558D, Block 559, Block 560, Block 561, Block 562, Block 563, Block 567, Block 568, Block 569, Block 570, Block 571, Block 572, Block 573, Block 574, Block 585, Block 586, Block 587, Block 588, Block 589, Block 590, Block 591, Block 592, Block 593, Block 594, Block 595, Block 596, Block 597; Tract 0008: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 209; Block Group 3: Block 302, Block 304, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 405A, Block 405B, Block 406, Block 407, Block 408B, Block 410A, Block 410D, Block 411A, Block 411B, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422B, Block 423B, Block 424B, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431A, Block 431B, Block 432, Block 433, Block 434; Tract 0009: Block Group 1: Block 119B; Tract 0010: Block Group 2: Block 201B, Block 201C, Block 202, Block 203B; Tract 0011: Block Group 5: Block 501B; Tract 0013: Block Group 1: Block 101B, Block 101C, Block 101D, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118B, Block 119B; Block Group 2: Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442; Tract 0014: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222,

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Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230; Block Group 3: Block 301, Block 302A, Block 302B, Block 303, Block 304A, Block 304B, Block 304C, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0015: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 212, Block 213, Block 214A, Block 214B, Block 215A, Block 215B, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 219C, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272A, Block 272B, Block 273A, Block 273B; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Tract 0017.98: Block Group 2: Block 234B; Jefferson.

District 25: King: Tract 0304.02: Block Group 4: Block 408B, Block 408C, Block 408D, Block 408E, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415B, Block 415C, Block 415D, Block 416; Block Group 5: Block 502C; Tract 0308: Block Group 2: Block 223B, Block 227B, Block 227C; Tract 0309: Block Group 2: Block 209B, Block 215B, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 228, Block 230, Block 231, Block 232, Block 233; Block Group 3: Block 302B, Block 304, Block 305, Block 306, Block 307, Block 308B, Block 309, Block 310B, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324A, Block 324B, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340A, Block 340B; Tract 0310: Block Group 9: Block 913B, Block 914, Block 915, Block 916C, Block 917B; Pierce: Tract 0702.01: Block Group 1: Block 105, Block 106; Tract 0703.03: Block Group 3: Block 316, Block 317A; Block Group 4: Block 401C, Block 402, Block 403, Block 405B; Tract 0703.05: Block Group 1: Block 101B, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 206, Block 207; Tract 0704: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Tract 0705: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321A, Block 321B, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Tract 0706: Block Group 1: Block 101, Block 102A, Block 102B,

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Block 103, Block 104, Block 105, Block 108, Block 109, Block 110A, Block 110B, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 117B, Block 118A, Block 118B, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136A, Block 136B, Block 137A, Block 137B, Block 138, Block 139, Block 140A, Block 140B, Block 141, Block 142, Block 143, Block 144, Block 145; Tract 0707.01: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Block Group 6: Block 601A, Block 601B, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609A, Block 609B, Block 610A, Block 610B, Block 611; Tract 0707.02: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 307C, Block 308A, Block 308B, Block 309, Block 310, Block 311A, Block 311B, Block 312A, Block 312B, Block 313A, Block 313B, Block 313C, Block 313D, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422A, Block 422B; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514A, Block 514B, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520A, Block 520B, Block 521A, Block 521B, Block 522, Block 523A, Block 523B, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531; Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 605, Block 606A, Block 606B, Block 606C, Block 607A, Block 607B, Block 607C, Block 607D, Block 607E, Block 608, Block 609A, Block 609B, Block 610, Block 611, Block 612A, Block 612B, Block 613, Block 614, Block 615A, Block 615B, Block 616, Block 617, Block 618A, Block 618B, Block 619A, Block 619B, Block 620A, Block 620B, Block 621A, Block 621B, Block 622, Block 623, Block 624A, Block 624B, Block 625, Block 626A, Block 626B, Block 627A, Block 627B, Block 628, Block 629, Block 630; Block Group 7: Block 701, Block 702A, Block 702B, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711A, Block 711B, Block 712, Block 713, Block 714B, Block 714C, Block 714D, Block 714E; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808A, Block 808B, Block 809, Block 810, Block 811B, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834; Tract 0709: Block Group 1: Block 108, Block 109; Tract 0710: Block Group 4: Block 402; Block Group 5: Block 501, Block 508, Block 509, Block 510, Block 511, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 615; Tract 0711: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107; Block Group 2: Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Tract 0712.02: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 109C, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611A, Block 611B, Block 611C, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Tract 0712.03: Block Group 1: Block 101, Block 102A, Block 102B, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 202C, Block 203; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409,

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Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 501, Block 502; Tract 0712.04: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Tract 0713.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305B, Block 310, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 409, Block 410, Block 412, Block 413, Block 419, Block 420, Block 421, Block 422, Block 423; Block Group 5: Block 501A, Block 501B, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 518, Block 520, Block 521, Block 522, Block 524, Block 525, Block 526; Block Group 6: Block 601, Block 602, Block 604, Block 605; Tract 0713.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504A, Block 504B, Block 505, Block 506, Block 507, Block 508; Tract 0713.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 208, Block 209, Block 210, Block 211, Block 212; Tract 0715.01: Block Group 5: Block 503, Block 504; Tract 0716: Block Group 3: Block 325B, Block 326, Block 328; Tract 0731.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Tract 0731.04: Block Group 1: Block 101, Block 102, Block 103, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216; Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329; Tract 0733: Block Group 1: Block 101, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 111, Block 112, Block 113A, Block 113B, Block 113C, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215A, Block 215B, Block 215C, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404A, Block 404B, Block 404C, Block 404D, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414A, Block 414B, Block 414C, Block 415A, Block 415B, Block 416, Block 417, Block 418A, Block 418B, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526; Tract 0734.01:

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Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Tract 0734.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402A, Block 402B, Block 403, Block 404, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414A, Block 414B, Block 415, Block 416, Block 417, Block 418, Block 419A, Block 419B, Block 420A, Block 420B, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503A, Block 503B, Block 504, Block 505A, Block 505B, Block 505C, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Tract 0734.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529; Block Group 6: Block 601, Block 602, Block 603, Block 604A, Block 604B, Block 605, Block 606A, Block 606B, Block 606C, Block 607, Block 608, Block 609, Block 610A, Block 610B, Block 611, Block 612A, Block 612B.

District 26: Kitsap: Tract 0805, Tract 0806: Block Group 1: Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522; Tract 0809.98: Block Group 1: Block 124; Tract 0810: Block Group 1: Block 105, Block 107A, Block 107B, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121A, Block 121B, Block 121C, Block 122A, Block 122B, Block 122C, Block 123A, Block 123B, Block 123C, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 214, Block 215, Block 216, Block 218, Block 219, Block 221, Block 222, Block 223, Block 224, Block 225; Block Group 3: Block 301A, Block

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301C, Block 305A, Block 307, Block 309, Block 310A, Block 310B, Block 311A, Block 311B, Block 311C, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0811: Block Group 2: Block 201, Block 202, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 314, Block 315, Block 326, Block 327, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339; Tract 0812: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231; Tract 0813, Tract 0814: Block Group 9: Block 901A, Block 901B, Block 901C, Block 902, Block 903; Tract 0814.99: Block Group 9: Block 901Z; Tract 0921: Block Group 1: Block 101, Block 102A, Block 102B, Block 102C, Block 103, Block 104A, Block 104B, Block 105, Block 106, Block 108A, Block 108C, Block 109, Block 111A, Block 113A, Block 113B, Block 124; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312B, Block 319B, Block 320, Block 322, Block 325, Block 326, Block 327, Block 328A, Block 328B, Block 328C, Block 329A, Block 329B, Block 329C, Block 330, Block 331, Block 332B, Block 333, Block 334B, Block 334C, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 369, Block 370A, Block 370B, Block 371A, Block 371B, Block 371C, Block 371D; Tract 0922: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 302C, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 408; Tract 0923, Tract 0924: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Tract 0925: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 209C, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 309, Block 310, Block 314, Block 315, Block 316, Block 318, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0926: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 219, Block 221, Block 222, Block 223, Block 224, Block 225, Block 228, Block 229; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908A, Block 908B, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914; Tract 0927: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 240; Tract 0928: Block

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Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Pierce: Tract 0609.01: Block Group 6: Block 610, Block 611; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 715, Block 716; Tract 0609.02: Block Group 1: Block 101, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 202, Block 203; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Block Group 6: Block 601, Block 602, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 630; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 718, Block 719, Block 722, Block 724; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820; Tract 0724.02, Tract 0724.03, Tract 0724.04, Tract 0725.01, Tract 0725.02, Tract 0726: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631A, Block 631B, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638, Block 639, Block 640, Block 641, Block 642, Block 643, Block 644; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825.

District 27: Pierce: Tract 0602: Block Group 1: Block 101, Block 104, Block 106, Block 107, Block 108A, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117A, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137,

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Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 209, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 225; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 314, Block 318; Block Group 4: Block 401, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 415, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 425, Block 427, Block 428; Tract 0627: Block Group 1: Block 124, Block 142; Tract 0628.01: Block Group 1: Block 101, Block 102; Block Group 3: Block 301; Tract 0633: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 308, Block 309, Block 310, Block 316, Block 318, Block 321, Block 325; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 421, Block 422, Block 423, Block 424, Block 425; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Tract 0707.02: Block Group 7: Block 714A; Block Group 8: Block 811A; Tract 0709: Block Group 1: Block 114A, Block 115, Block 117, Block 118, Block 120, Block 121A, Block 121B, Block 124, Block 125, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 209A, Block 209B, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222A, Block 222B, Block 223, Block 224A, Block 224B, Block 224C, Block 225, Block 226, Block 227, Block 228, Block 229A, Block 229B, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235A, Block 235B, Block 236, Block 237; Block Group 3: Block 301A, Block 302A, Block 302B, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 314C, Block 315A, Block 315B, Block 316, Block 317, Block 318A, Block 318B, Block 319, Block 320, Block 321A, Block 321B, Block 321C, Block 322A, Block 322B, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332; Tract 0710: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507, Block 512; Block Group 6: Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614; Tract 0711: Block Group 1: Block 104, Block 105, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 214, Block 215; Tract 0712.02: Block Group 1: Block 104; Tract 0713.02: Block Group 4: Block 407, Block 408, Block 411, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 6: Block 603; Tract 0716: Block Group 1: Block 101, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325A, Block 327, Block 329; Block Group 4: Block 422; Tract 0723.05: Block Group 1: Block 101; Tract 0735:

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Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131.

District 28: Pierce: Tract 0610: Block Group 1: Block 102, Block 103, Block 104, Block 121, Block 122; Block Group 2: Block 201; Block Group 3: Block 302, Block 303, Block 304, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911A, Block 911B, Block 912; Tract 0611: Block Group 7: Block 703, Block 705, Block 709, Block 710, Block 711, Block 712, Block 716, Block 717; Tract 0628.01: Block Group 3: Block 305; Tract 0628.02: Block Group 1: Block 104B, Block 104C, Block 121A; Tract 0718.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403; Block Group 5: Block 506, Block 510, Block 511, Block 514, Block 515, Block 516, Block 517, Block 518; Tract 0718.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236; Block Group 3: Block 301; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Tract 0718.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716; Tract 0719.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block

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Block Group 2: Block 206, Block 207, Block 208, Block 210, Block 211, Block 212, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 302, Block 312, Block 313, Block 315, Block 316, Block 317; Block Group 4: Block 402, Block 403, Block 413, Block 416, Block 423, Block 424, Block 426; Tract 0624: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423; 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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 723, Block 724, Block 725, Block 726, Block 727; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 820, Block 821, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830; Tract 0626: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 225; Block Group 3: Block 301, Block 302, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 321, Block 322, Block 323, Block 325, Block 326; Tract 0627: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Tract 0303.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Tract 0303.03: Block Group 1: Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Tract 0303.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 157; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312A, Block 312B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509; Tract 0303.05: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Tract 0303.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Tract 0303.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624; Tract 0304.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201A, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block

313, Block 314, Block 315, Block 316, Block 317, Block 318; Tract 0304.02: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 414, Block 415A, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432; Block Group 5: Block 501, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Tract 0309: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 130, Block 131, Block 133, Block 135; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215A, Block 226, Block 227; Block Group 3: Block 301, Block 302A, Block 303, Block 308A, Block 310A; Pierce: Tract 0601.01: Block Group 1: Block 101, Block 102, Block 103, Block 104A, Block 104B, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 110C, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Tract 0601.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312; Tract 0602: Block Group 1: Block 102A, Block 102B, Block 103, Block 105; Tract 0708: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 204C, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 214, Block 215A, Block 215B, Block 216, Block 220; Tract 0709: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111A, Block 111B, Block 112, Block 113, Block 114B, Block 116, Block 119, Block 122, Block 123, Block 127; Block Group 3: Block 301B.

District 31: King: Tract 0295.01: Block Group 9: Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B, Block 908; Tract 0295.02: Block Group 9: Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B; Tract 0296: Block Group 1: Block 101A, Block 101B, Block 102, Block 103A, Block 103B, Block 103C, Block 104, Block 105; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301A, Block 301B, Block 302, Block 303A, Block 303B, Block 303C; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409; Tract 0297: Block Group 9: Block 901A, Block 901B, Block 901C, Block 903, Block 904B, Block 905, Block 906, Block 909B; Tract 0298.02: Block Group 6: Block 601A; Tract 0299: Block Group 3: Block 301A, Block 301B, Block 302, Block 305, Block 315A, Block 318A; Tract 0304.01: Block Group 2: Block 201B; Tract 0305.01, Tract 0305.02, Tract 0306, Tract 0307, Tract 0308: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207A, Block 207B, Block 207C, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216,

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Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223A, Block 223C, Block 224, Block 225, Block 226, Block 227A; Block Group 3: Block 301, Block 302, Block 303, Block 304A, Block 304B, Block 304C, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312, Block 313A, Block 313B, Block 314A, Block 314B, Block 315, Block 316A, Block 316B, Block 317, Block 318, Block 319; Tract 0310: Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913A, Block 913C, Block 916A, Block 916B, Block 916D, Block 917A, Block 918, Block 919, Block 920, Block 921, Block 922; Tract 0311: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Tract 0312.02: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519A, Block 519B, Block 520, Block 521, Block 522A, Block 522B, Block 523, Block 524; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 912; Tract 0312.03: Block Group 1: Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905; Tract 0312.04: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0313: Block Group 1: Block 101A, Block 101B, Block 102, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 107C, Block 107D, Block 108, Block 109, Block 110, Block 111A, Block 111B, Block 111C, Block 111D, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 205D, Block 205E, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 211C, Block 211D, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 509; Tract 0314: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169; Block Group 2: Block 201A, Block 201B, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301A, Block

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301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317A, Block 317B, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Tract 0315: Block Group 1: Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 161, Block 168, Block 169, Block 170, Block 171, Block 172A, Block 172B, Block 172C, Block 173A, Block 173B, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 302C, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338; Block Group 4: Block 458; Block Group 5: Block 509A, Block 509B, Block 509C, Block 511, Block 513, Block 514A, Block 514B; Tract 0316: Block Group 8: Block 801B, Block 802, Block 803, Block 809B, Block 810, Block 811, Block 812; Tract 0331: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Pierce: Tract 0701: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121A, Block 121B, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165A, Block 165B, Block 166, Block 167, Block 168, Block 169, Block 170A, Block 170B, Block 170C, Block 171, Block 172, Block 173A, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 193, Block 194, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Tract 0702.02:

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Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420A, Block 420B, Block 421A, Block 421B, Block 422, Block 423, Block 424, Block 425A, Block 425B, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 434, Block 442A, Block 442B, Block 442C, Block 451A, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601A, Block 601B, Block 601C, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609A, Block 609B, Block 610, Block 611, Block 612; Block Group 7: Block 721A, Block 721B, Block 723A, Block 723B, Block 727A, Block 727B, Block 727C, Block 727E, Block 728A, Block 728B, Block 729A, Block 729B, Block 730, Block 731, Block 732, Block 733A, Block 733B, Block 734, Block 735, Block 736A, Block 736B, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742A, Block 742B, Block 743A, Block 743B, Block 744A, Block 744B, Block 745, Block 746, Block 747A, Block 747B, Block 748A, Block 748B, Block 749, Block 750A, Block 750B, Block 751, Block 752; Tract 0703.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 120; Block Group 2: Block 201A, Block 201B, Block 201C, Block 201D, Block 201E, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219A, Block 219B, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228A, Block 228B, Block 229; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525; Tract 0703.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109A, Block 109B, Block 110, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118A, Block 118B, Block 119, Block 120, Block 121; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313A, Block 313B, Block 314, Block 315, Block 317B; Block Group 4: Block 401A, Block 401B, Block 404, Block 405A; Tract 0703.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214A, Block 214B, Block 214C, Block 214D, Block 215, Block 216, Block 217; Block Group 3: Block 301A, Block 301B, Block 301C, Block 302, Block 303, Block 304A, Block 304B, Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block

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District 32: King: Tract 0003: Block Group 1: Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 313, Block 314, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322; Tract 0004: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 207, Block 208, Block 211, Block 212, Block 217, Block 218, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 704, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720; Tract 0005: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0006: Block Group 1: Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111, Block 112, Block 113, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Tract 0014: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 304, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0015: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Tract 0016: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block

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201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0031: Block Group 6: Block 601, Block 602; Tract 0201: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 314, Block 316; Tract 0202: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 408, Block 409, Block 411; Tract 0203: Block Group 1: Block 102, Block 103, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 205, Block 206, Block 207, Block 208, Block 209, Block 212, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0204: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 111, Block 112, Block 113, Block 114A, Block 114B, Block 115A, Block 115B, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122A, Block 122B, Block 122C; Block Group 2: Block 201, Block 202A, Block 202B, Block 202C, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 206C, Block 206D, Block 206E, Block 206F, Block 206G, Block 207A, Block 207B, Block 207C, Block 208, Block 209, Block 210, Block 211, Block 212, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 315, Block 316; Block Group 4: Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508A, Block 508B, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602A, Block 602B, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Tract 0205: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608; Tract 0206: Block Group 1: Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0207: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 507, Block 508, Block 510, Block 511; Tract 0208: Block Group 1: Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 112;

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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 413, Block 414; Tract 0209: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Tract 0210: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 108, Block 109, Block 110, Block 111, Block 116, Block 117, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 308, Block 309, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518; Tract 0211: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0212, Tract 0213: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 411, Block 412, Block 415, Block 416; Tract 0214: Block Group 1: Block 101, Block 102A, Block 102B, Block 103A, Block 103B, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217A, Block 217B, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306A, Block 306B, Block 307A, Block 307B, Block 307C, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 313, Block 314, Block 316, Block 317, Block 318; Tract 0215: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211; Block Group 3: Block 301A, Block 301B, Block 301C, Block 301D, Block 302, Block 303A, Block 303B, Block 304, Block 305A, Block 305B, Block 306A, Block 306B, Block 307, Block 308A, Block 308B, Block 309A, Block 309B, Block 310, Block 311, Block 312, Block 313, Block 314; Tract 0216: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Tract 0217: Block Group 1: Block 103, Block 105, Block 106, Block 108; Tract 0221: Block Group 1: Block 105; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414.

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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 410; Block Group 5: Block 501, Block 502; Tract 0259: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 910, Block 911, Block 912, Block 913, Block 914, Block 916, Block 923, Block 924; Tract 0261: Block Group 4: Block 417; Tract 0262: Block Group 2: Block 201, Block 202, Block 203, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335; Block Group 4: Block 413, Block 420, Block 421, Block 422, Block 423; Tract 0280: Block Group 3: Block 310, Block 313, Block 315; Tract 0282: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 109; Block Group 2: Block 201, Block 202, Block 206; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406; Tract 0283: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 106A, Block 106B, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204, Block 205, Block 206, Block 207; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907A, Block 907B, Block 907C, Block 908, Block 909A, Block 909B, Block 909C, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919A, Block 919B, Block 920, Block 921; Tract 0284.01: Block Group 3: Block 302, Block 318, Block 319; Block Group 9: Block 902, Block 903, Block 904, Block 905; Tract 0284.02: Block Group 2: Block 201, Block 202, Block 206, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 313, Block 314, Block 315, Block 316, Block 320, Block 321, Block 322; Tract 0284.03: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 414, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528; Tract 0285: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 306, Block 307, Block 308, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0286: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 306, Block 307, Block 308, Block 310, Block 311, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 407, Block 409, Block 410; Tract 0287: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 213, Block 216, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 310, Block 311, Block 312, Block 313, Block 315, Block 316, Block 318, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409,

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Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Tract 0288.01: Block Group 3: Block 305A, Block 305B, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 608, Block 609, Block 613; Block Group 9: Block 901, Block 905, Block 906, Block 907A, Block 907B, Block 907C, Block 907D, Block 907E, Block 908; Tract 0288.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304; Tract 0289: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 125, Block 127, Block 128, Block 135, Block 136, Block 137, Block 138; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 614, Block 615, Block 616, Block 617, Block 618, Block 620; Tract 0290.01: Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304A, Block 304B, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Tract 0290.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 101E, Block 101F, Block 101G, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211A, Block 211B, Block 212, Block 213, Block 214A, Block 214B; Block Group 3: Block 301A, Block 301B, Block 302, Block 303A, Block 303B, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611; Tract 0291: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102, Block 106, Block 109A, Block 109B, Block 109C, Block 110, Block 111; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B; Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 902; Tract 0292.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 115, Block 116; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 427, Block 428; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 616, Block 617, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916, Block 917, Block 918, Block 919, Block 920, Block 921, Block 922, Block 923, Block 924; Tract 0292.02: Block Group 1: Block 101A, Block 101B, Block 101C, Block 101D, Block 102A, Block 102B, Block 102C, Block 103, Block 104A, Block 104B, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block

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Tract 0098: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; 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Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 616; Tract 0106: Block Group 2: Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713; Tract 0114: Block Group 5: Block 516, Block 517; Tract 0115: Block Group 1: Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 205, Block 208, Block 209; Block Group 3: Block 304, Block 305, Block 306, Block 307, Block 308, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611; Tract 0116: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block

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Block Group 3: Block 305, Block 312A, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319A, Block 321, Block 323, Block 324, Block 332A, Block 334A, Block 341A, Block 341B, Block 342A, Block 342B, Block 342C, Block 342D, Block 343, Block 344A, Block 344B, Block 344C, Block 344D, Block 345A, Block 345B, Block 346A, Block 346B, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358A, Block 358B, Block 359, Block 360A, Block 360B, Block 361A, Block 361B, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379; Tract 0929: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536; Mason, Thurston: Tract 0109: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 202E, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 217; Tract 0110: Block Group 1: Block 101C, Block 103, Block 106, Block 109, Block 110; Tract 0118: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163,

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Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724, Block 725, Block 726, Block 727, Block 728, Block 729, Block 730, Block 732, Block 733, Block 734, Block 735, Block 736, Block 737, Block 738, Block 739, Block 740, Block 741, Block 742, Block 747, Block 748; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831, Block 832, Block 833, Block 834, Block 835, Block 836, Block 837, Block 838, Block 839, Block 840, Block 841, Block 842, Block 843, Block 844, Block 845, Block 846, Block 847, Block 848, Block 849, Block 850; Tract 0119: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547, Block 548, Block 549, Block 550, Block 551, Block 552, Block 553, Block 554, Block 555.

District 36: King: Tract 0028, Tract 0029, Tract 0030: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710; Tract 0031: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 317, Block 318, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Block Group 6: Block 601, Block 602, Block 606, Block 607, Block 608, Block 609, Block 610, Block 612, Block 615, Block 616, Block 618, Block 619, Block 620; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 716, Block 717, Block 718, Block 719, Block 720, Block 722, Block 723, Block 726; Block Group 8: Block 801, Block 802, Block 803, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827; Tract 0057: Block Group 2: Block 201, Block 202A, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 408, Block 409, Block 410, Block 411, Block 416, Block 417; Block Group 5: Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710; Tract 0057.99: Block Group 2: Block 202Z; Tract 0058.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 607, Block 608, Block 609, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 706, Block 710, Block 711, Block 713, Block 716, Block 718, Block 726, Block 727; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808A, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821, Block 822, Block 823, Block 824, Block 825, Block 826, Block 827, Block 828, Block 829, Block 830, Block 831; Tract 0058.02: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 210, Block 211, Block 212, Block 219, Block 222, Block 223, Block 225; Block Group 3: Block 301, Block 312A, Block 312B, Block 315, Block 320, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 407, Block 408, Block 409, Block 412, Block 414, Block 415, Block 416, Block 418, Block 419, Block 420, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607A, Block 607B; Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 901E, Block 901F, Block

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Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 613, Block 614, Block 615; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 716, Block 717, Block 718, Block 719, Block 720, Block 721, Block 722, Block 723, Block 724; Tract 0059.99: Block Group 1: Block 123Z; Tract 0060: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 208, Block 209, Block 210, Block 212, Block 217, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0067.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 112, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 318, Block 320, Block 321, Block 322, Block 324, Block 325, Block 328, Block 329; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Tract 0068.98: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713; Tract 0069: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401A, Block 401B, Block 411, Block 412, Block 413, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Tract 0070: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 109; Block Group 2: Block 201, Block 202, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block

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District 37: King: Tract 0063: Block Group 3: Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 404; Tract 0076: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 411, Block 412, Block 413, Block 414; Tract 0077: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 518, Block 519, Block 520; Tract 0078: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 110, Block 112, Block 117, Block 121, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 225; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 523; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715, Block 717, Block

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719, Block 720, Block 721, Block 722, Block 723, Block 728; Tract 0079: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Block Group 4: Block 401, Block 402, Block 405, Block 406, Block 407, Block 410, Block 411, Block 412; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Tract 0085: Block Group 2: Block 210; Tract 0086: Block Group 1: Block 110, Block 111, Block 112; Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 404, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413; Block Group 5: Block 502, Block 503, Block 512; Tract 0087, Tract 0088, Tract 0089: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 111, Block 112, Block 114, Block 115, Block 116, Block 117, Block 120, Block 121, Block 126, Block 127, Block 128, Block 130, Block 131, Block 132; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 616, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625; Tract 0090: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 115, Block 117, Block 120; Block Group 2: Block 201, Block 202, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327; Tract 0091: Block Group 1: Block 101, Block 102, Block 107; Tract 0094: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109, Block 110, Block 112, Block 113, Block 114, Block 115, Block 118, Block 122, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 220, Block 221, Block 222; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 312, Block 313, Block 323; Block Group 5: Block 503, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 519; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 614, Block 615, Block 616, Block 617, Block 618, Block 620, Block 621, Block 626, Block 628, Block 629, Block 630, Block 632, Block 633, Block 634; Tract 0095: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 119, Block 120, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 132, Block 134, Block 137, Block 138, Block 139; 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Block Group 6: Block 606, Block 607, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619; Block Group 7: Block 701, Block 702, Block 703, Block 714, Block 715, Block 716, Block 717, Block 718, Block 720, Block 721, Block 722, Block 727, Block 728, Block 729; Tract 0101: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 117, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 216, Block 219, Block 220, Block 221, Block 225, Block 226; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 312, Block 313, Block 320, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 412, Block 413, Block 414, Block 415, Block 418; 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Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 609, Block 610, Block 612, Block 614, Block 615, Block 618, Block 619, Block 620; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 708; Tract 0103: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 217, Block 218, Block 220; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 417, Block 418, Block 419, Block 420, Block 421, Block 424; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 521, Block 522; Tract 0104: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 108, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 311; Block Group 7: Block 708, Block 709, Block 710, Block 711, Block 712;

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Block Group 8: Block 802, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813, Block 814, Block 815, Block 816, Block 817, Block 818; Tract 0110: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 310, Block 311, Block 312, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 515; Tract 0111: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 204, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 518, Block 520, Block 524, Block 525, Block 527; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616; Tract 0117: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 108, Block 109, Block 110, Block 111, Block 112, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 224, Block 225, Block 238; Block Group 3: Block 301, Block 302, Block 310, Block 312, Block 313, Block 316, Block 325, Block 326; Tract 0118: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 107, Block 110, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 416, Block 417; Block Group 5: Block 511, Block 512, Block 513, Block 514, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0119: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 205C, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216A, Block 216B, Block 217A, Block 217B, Block 222, Block 223, Block 225, Block 226, Block 227A, Block 227B, Block 228, Block 229A, Block 229B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 409, Block 410, Block 415, Block 416, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619; Tract 0253: Block Group 9: Block 904A, Block 905, Block 906, Block 907, Block 908; Tract 0260.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308;

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Block Group 6: Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611; Tract 0528.02: Block Group 1: Block 101, Block 104A, Block 104B, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 205, Block 207A, Block 207B, Block 208, Block 209, Block 211A, Block 211B, Block 212, Block 213, Block 214A, Block 214B, Block 214C, Block 214D, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221A, Block 221B, Block 222, Block 223A, Block 223B, Block 224A, Block 224B, Block 225, Block 226, Block 227A, Block 227B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308A, Block 308B, Block 308C, Block 309A, Block 309B, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 406, Block 407, Block 408A, Block 408B, Block 409A, Block 409B, Block 410, Block 411, Block 412, Block 413; Tract 0529.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110A, Block 110B, Block 111A, Block 111B, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208A, Block 208B, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312A, Block 312B, Block 313, Block 314, Block 315A, Block 315B, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325; Block Group 4: Block 401, Block 402A, Block 402B, Block 403A, Block 403B, Block 404, Block 405A, Block 405B, Block 406, Block 407, Block 408; Tract 0529.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109A, Block 109B, Block 109C, Block 110, Block 111A, Block 111B, Block 111C, Block 111D, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124A, Block 124B, Block 124C, Block 124D, Block 125, Block 126; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 405C, Block 405D, Block 405E, Block 405F, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411A, Block 411B, Block 411C, Block 412A, Block 412B, Block 413, Block 414, Block 415; Tract 9524: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229; 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Tract 9526: Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407A, Block 407B, Block 408A, Block 408B, Block 408C, Block 409A, Block 409B, Block 409C, Block 409D, Block 409E, Block 409F, Block 410A, Block 410B, Block 411A, Block 411B, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 424A; Tract 9527: Block Group 1: Block 101A, Block 107A, Block 108A, Block 109A, Block 110A; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213,

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District 41: King: Tract 0234.01: Block Group 2: Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 219, Block 220; Tract 0235: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 315; Tract 0236.01: Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Block Group 6: Block 606, Block 607, Block 608; Tract 0236.02: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 405, Block 406; Block Group 5: Block 501, Block 502, Block 503; Tract 0237: Block Group 3: Block 316, Block 318, Block 320; Tract 0238.01: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 313, Block 314, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 411; Tract 0238.02, Tract 0239: Block Group 1: Block 101, Block 102, Block 103, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 404, Block 405, Block 406; Block Group 5: Block 501A, Block 501B, Block 502A, Block 502B, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510A, Block 510B, Block 511A, Block 511B; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713; Tract 0240: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 507, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623; Tract 0243, Tract 0244, Tract 0245, Tract 0246, Tract 0247.01: Block

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Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620; Tract 0247.98: Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401A, Block 401B, Block 401C, Block 402A, Block 402B, Block 402C, Block 402D, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410A, Block 410B, Block 411A, Block 411B, Block 412A, Block 412B, Block 412C, Block 413A, Block 413B, Block 414A, Block 414B, Block 415, Block 416; Tract 0248: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 211A, Block 211B, Block 212A, Block 212B, Block 212C; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409A, Block 409B, Block 410, Block 411, Block 412A, Block 412B, Block 413, Block 414A, Block 414B, Block 414C, Block 414D; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0249.01: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407A, Block 407B; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0249.02: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110, Block 111; Block Group 2: Block 201A, Block 201B, Block 202; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405A, Block 405B, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904; Tract 0249.03: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 103C, Block 103D, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302; Block Group 9: Block 901A, Block 901B, Block 901C; Tract 0250.01, Tract 0250.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 202D, Block 202E, Block 202F, Block 202G, Block 202H, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304; Block Group 9: Block 901A, Block 901D, Block 902, Block 903, Block 904A, Block 904B, Block 905, Block 906; Tract 0250.98, Tract 0251: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205A, Block 205B, Block 206A, Block 206B, Block 207A, Block 207B, Block 210A, Block 210B, Block 210C, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305A, Block 305B, Block 306A, Block 306B, Block 307A, Block 307B, Block 308, Block 309A, Block 309B, Block 310A, Block 310B, Block 310C, Block 311, Block 312; Block Group 9: Block 901, Block 902A, Block 902B, Block 903, Block 912A, Block 912B; Tract 0252: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 106, Block 107, Block 109; Block Group 2: Block 201, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402B, Block 403, Block 404A, Block 404B, Block 405, Block 406, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416A, Block 416B, Block 417; Tract 0254: Block Group 1: Block 102, Block 103; Tract 0255: Block Group 1: Block 101, Block 102, Block 103; Block Group 2: Block 204; Tract 0256: Block Group 3: Block 301, Block 302A, Block 302B, Block 311, Block 312,

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Block 319, Block 320, Block 321, Block 322, Block 323A, Block 324A; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906A, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 917, Block 919, Block 920; Tract 0319.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 402, Block 403, Block 404, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504; Block Group 9: Block 902; Tract 0321.01: Block Group 6: Block 609B; Block Group 9: Block 901C, Block 904, Block 906, Block 922.

District 42: Whatcom: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 121, Block 122, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311A, Block 311B, Block 312, Block 313, Block 314, Block 315A, Block 315B, Block 316, Block 317, Block 318A, Block 318B, Block 319, Block 320A, Block 320B, Block 320C, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327A, Block 327B, Block 328, Block 329, Block 330A, Block 330B, Block 331, Block 332, Block 333, Block 334; Tract 0002: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 107, Block 108A, Block 108B, Block 108C, Block 109, Block 110A, Block 110B, Block 111A, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127A, Block 127B, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134A, Block 134B, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202A, Block 202B, Block 203A, Block 203B, Block 204A, Block 204B, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225A, Block 225B, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260; Tract 0003: Block Group 1: Block 101A, Block 101B, Block 102A, Block 102B, Block 103A, Block 103B, Block 104A, Block 104B, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113A, Block 113B, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128A, Block 128B, Block 128C, Block 129, Block 130, Block 131A, Block 131B, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137A, Block 137B, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151, Block 152, Block 153, Block 154, Block 155A, Block 155B, Block 156A, Block 156B, Block 156C, Block 156D, Block 157; Tract 0004: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 133, Block 134; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block

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Tract 0009: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 110, Block 115, Block 124; Tract 0010: Block Group 1: Block 143, Block 196; Tract 0011: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149; Block Group 2: Block 201, Block 202, Block 204, Block 205, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 223; Tract 0101: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137A, Block 137B, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163A, Block 163B, Block 163C, Block 163D, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182A, Block 182B, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192A, Block 192B, Block 192C, Block 193, Block 194, Block 195A, Block 195B, Block 196A, Block 196B, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248, Block 249, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260, Block 261, Block 262, Block 263, Block 264, Block 265, Block 266, Block 267, Block 268, Block 269, Block 270, Block 271, Block 272, Block 273, Block 274, Block 275, Block 276, Block 277, Block 278, Block 279, Block 280, Block 281, Block 282, Block 283, Block 284, Block 285, Block 286, Block 287, Block 288, Block 289, Block 290, Block 291, Block 292, Block 293, Block 294, Block 295, Block 296, Block 297; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341, Block 342, Block 343, Block 344, Block 345, Block 346, Block 347, Block 348, Block 349, Block 350, Block 351, Block 352, Block 353, Block 354, Block 355, Block 356, Block 357, Block 358, Block 359, Block 360, Block 361, Block 362, Block 363, Block 364, Block 365, Block 366, Block 367, Block 368, Block 369, Block 370, Block 371, Block 372, Block 373, Block 374, Block 375, Block 376, Block 377, Block 378, Block 379, Block 380, Block 381, Block 382, Block 383, Block 384, Block 385, Block 386, Block 387, Block 388, Block 389; Block Group 4: Block 401A, Block 401B, Block 401C, Block 401D, Block 402A, Block 402B,

Tract 0109, Tract 0110.

District 43: King: Tract 0035: Block Group 3: Block 302, Block 303; Tract 0041: Block Group 5: Block 503, Block 504, Block 505, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Block Group 6: Block 601, Block 602, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Block Group 7: Block 702, Block 703, Block 704, Block 705, Block 706, Block 707; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 810, Block 811, Block 813; Tract 0043: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310, Block 311; Block Group 4: Block 401, Block 405, Block 406, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 511; Block Group 6: Block 601, Block 603, Block 604, Block 605, Block 606, Block 607, Block 610; Tract 0044, Tract 0045: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Tract 0046: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0048: Block Group 1: Block 103, Block 106, Block 108, Block 112, Block 113, Block 114, Block 115, Block 116; Tract 0049: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616; Tract 0050: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428; Tract 0051: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Block Group 4: Block 401, Block 402,

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Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522; Tract 0052: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 114, Block 115, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421; Tract 0053.01, Tract 0053.02: Block Group 4: Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705; Tract 0054: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224; Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 415, Block 416; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514; Tract 0054.99: Block Group 2: Block 206Z; Tract 0061: Block Group 1: Block 101, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 309, Block 310, Block 311, Block 312, Block 313, Block 319, Block 325; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0062: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 217; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310, Block 311, Block 312, Block 313, Block 314, Block 316, Block 319; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406, Block 408, Block 409, Block 411, Block 412, Block 415, Block 417, Block 418; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 506, Block 508, Block 509, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0063: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block 210, Block 211, Block 214, Block 215, Block 216, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 402, Block 403, Block 405, Block 406, Block 407, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 511, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614; Tract 0064: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 209, Block

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Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0066: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201A, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Tract 0066.99: Block Group 2: Block 201Z; Tract 0072: Block Group 1: Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 307, Block 308, Block 311; Tract 0073: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Tract 0074: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 505, Block 506, Block 507, Block 508, Block 509; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709; Tract 0075: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 309, Block 310, Block 311, Block 312, Block 313, Block 316; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615; Tract 0077: Block Group 5: Block 510; Tract 0080: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 323, Block 324; Tract 0081: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220,

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Block 221; Block Group 3: Block 303, Block 304, Block 308, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 318, Block 320, Block 321, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 429; Tract 0082: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Tract 0083: Block Group 1: Block 101, Block 102, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Tract 0084: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211; Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 411, Block 412, Block 413; Tract 0085: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508; Tract 0086: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 5: Block 501, Block 504, Block 513.

District 44: Snohomish: Tract 0416.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 125; Block Group 2: Block 201, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 212B, Block 214B, Block 214C, Block 214D; Tract 0416.03: Block Group 3: Block 301, Block 302, Block 303B, Block 304; Block Group 4: Block 401, Block 402, Block 403B, Block 403C, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Block Group 9: Block 901, Block 902B, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910; Tract 0416.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Block Group 9: Block 901; Tract 0417: Block Group 1: Block 103B, Block 105B, Block 107, Block 108B, Block 110B, Block 111B, Block 115, Block 116, Block 118, Block 119, Block 120; Block Group 2: Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401A, Block 401B, Block 402A, Block 402C, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0418.01: Block Group 2: Block 206B, Block 210B, Block 222B, Block 223B, Block 224B, Block 225, Block 226B, Block 227B, Block 228, Block 229B; Tract 0418.03: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 9: Block 901B, Block 902B, Block 910B, Block 911, Block 912, Block 913, Block 914; Tract 0418.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block

414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0419.01: Block Group 2: Block 201, Block 202; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 9: Block 901E, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911; Tract 0419.02: Block Group 1: Block 102B, Block 103, Block 104, Block 105, Block 108A, Block 108B, Block 108C, Block 108D, Block 109A, Block 109B, Block 111B, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 9: Block 903F, Block 903G, Block 903H, Block 903J, Block 903K, Block 903L, Block 905B, Block 906, Block 907, Block 908, Block 909, Block 913B; Tract 0420.02: Block Group 1: Block 105, Block 106; Block Group 2: Block 201; Tract 0420.04: Block Group 1: Block 101, Block 102; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Tract 0501: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B; Tract 0516: Block Group 1: Block 101A, Block 101B, Block 102B; Tract 0517: Block Group 5: Block 501A; Tract 0518.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111A, Block 111B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Tract 0518.02: Block Group 1: Block 101, Block 102A, Block 102B, Block 105A, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302C, Block 303, Block 304, Block 305B, Block 306B, Block 307, Block 309B; Tract 0519.07: Block Group 1: Block 119, Block 120; Tract 0519.08: Block Group 7: Block 701, Block 702, Block 706, Block 707; Block Group 8: Block 801A, Block 801B, Block 801C, Block 802, Block 803, Block 804A, Block 804B, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block 812, Block 813A, Block 813B, Block 814, Block 815, Block 816, Block 817, Block 818, Block 819, Block 820, Block 821; Tract 0519.09: Block Group 2: Block 201, Block 202, Block 204, Block 205; Tract 0519.10: Block Group 3: Block 301, Block 302; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0519.11: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708A, Block 708B; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0519.12: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226; Tract 0520.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201A, Block 201B, Block 202, Block 203A, Block 203B, Block 203C, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 208C, Block 208D, Block 209A, Block 209B, Block 210A, Block 210B, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403A, Block 403B, Block 403C, Block 403D, Block 404A, Block 404B, Block 405A, Block 405B, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507A, Block 507B, Block 508, Block 509; Tract 0520.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 7: Block 701A, Block 701B, Block 702, Block 703, Block 704, Block 705; Tract 0520.03: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block

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Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506; Tract 0521.05: Block Group 1: Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109B, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 122, Block 123, Block 124, Block 144; Block Group 2: Block 211, Block 212, Block 213, Block 214; Tract 0521.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Tract 0521.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Tract 0521.08: Block Group 1: Block 103, Block 104, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331; Tract 0521.09: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515.

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Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910; Tract 0226.02: Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 901E, Block 901F, Block 902, Block 903A, Block 903B, Block 904, Block 911, Block 912; Tract 0323.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 137, Block 139, Block 140; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 401, Block 402A, Block 402B, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412A, Block 412B, Block 413, Block 414A, Block 414B, Block 414C, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 909, Block 910, Block 911, Block 912, Block 913, Block 914, Block 915, Block 916; Tract 0323.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106A, Block 106B, Block 106C, Block 106D, Block 107A, Block 107B, Block 108A, Block 108B, Block 108C, Block 108D, Block 109A, Block 109B, Block 110, Block 111, Block 112A, Block 112B, Block 113, Block 114, Block 115, Block 116A, Block 116B, Block 116C, Block 117, Block 118, Block 119, Block 121, Block 122, Block 123, Block 124, Block 125; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607; Block Group 9: Block 901, Block 902; Tract 0323.05: Block Group 7: Block 701, Block 702; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907, Block 908, Block 974; Tract 0323.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 9: Block 901, Block 902; Tract 0323.07: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318A, Block 318B, Block 319, Block 320; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906; Tract 0323.10: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 9: Block 901A, Block 901B, Block 902, Block 903, Block 904, Block 905, Block 906, Block 907; Tract 0324: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113A, Block 113B, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; 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Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415A, Block 415B, Block 416, Block 417; Tract 0325: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234, Block 235, Block 236, Block 237, Block 238, Block 239; Block Group 3: Block 301, Block 302A, Block 302B, Block 302C, Block 302D, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310A, Block 310B, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 315A, Block 315B, Block 316,

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District 46: King: Tract 0001: Block Group 1: Block 101, Block 102, Block 103, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Tract 0002: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 114, Block 115, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 617; Tract 0003: Block Group 1: Block 123; Tract 0006: Block Group 3: Block 302, Block 321, Block 322, Block 323, Block 324; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 510, Block 515, Block 516; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 615, Block 616, Block 617, Block 618, Block 619; Tract 0007: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 504, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610; Block Group 7: Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710; Tract 0008: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314; Tract 0009: Block Group 1: Block 103, Block 104, Block 107, Block 108, Block 109, Block 110, Block

306, Block 307, Block 308, Block 309, Block 310, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 4: Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617; Block Group 7: Block 707, Block 708, Block 709, Block 710, Block 711, Block 712; Tract 0036: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 420; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520; Tract 0037, Tract 0038: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 207, Block 209, Block 210, Block 211; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311; Tract 0039: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208A, Block 208B, Block 209, Block 210; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416; Tract 0040.98: Block Group 1: Block 101, Block 103, Block 106, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 116; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 218; Block Group 9: Block 902; Tract 0041: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 109, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 315; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 501, Block 502; Block Group 7: Block 701, Block 710, Block 711, Block 712; Tract 0042: Block Group 1: Block 101, Block 102, Block 103, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113, Block 114, Block 115, Block 116, Block 118, Block 119, Block 120, Block 121, Block 122; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 215A, Block 215B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 316, Block 317, Block 318, Block 322; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714; Block Group 8: Block 801, Block 802, Block 803, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809, Block 810, Block 811, Block

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Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205; Tract 0316: Block Group 1: Block 106A, Block 106B, Block 115A, Block 121, Block 123, Block 124; Block Group 2: Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231A, Block 231B, Block 232, Block 233, Block 234A, Block 234B, Block 234C, Block 235; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Block Group 5: Block 520A, Block 521; Block Group 6: Block 615A, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626; Block Group 7: Block 703A, Block 704, Block 705, Block 706, Block 707, Block 708; Block Group 8: Block 801A, Block 804, Block 805, Block 806, Block 807, Block 808, Block 809A; Tract 0317.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508; Block Group 9: Block 901, Block 902, Block 903, Block 904, Block 905, Block 906; Tract 0317.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Tract 0318: Block Group 1: Block 104, Block 105, Block 133, Block 134, Block 135; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403; Tract 0320.04: Block Group 1: Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516; Tract 0320.05: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209,

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Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 9: Block 901A, Block 901B, Block 902A, Block 902B, Block 903, Block 904; Tract 0232: Block Group 1: Block 101, Block 102, Block 107, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0233: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Tract 0234.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 113; Block Group 2: Block 201; Block Group 3: Block 301, Block 304, Block 305, Block 307, Block 308, Block 310; Tract 0234.02: Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406A, Block 406B, Block 407, Block 408A, Block 408B, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418A, Block 418B, Block 419, Block 420, Block 421, Block 422; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 516; Block Group 6: Block 601B, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608B, Block 609B; Tract 0236.01: Block Group 5: Block 501, Block 502, Block 503; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 609, Block 610, Block 611; Tract 0236.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0237: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 317, Block 319, Block 321; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412; Tract 0240: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 316, Block 317, Block 318; Block Group 5: Block 506B; Block Group 6: Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 716, Block 717; Tract 0241: Block Group 1: Block 101A,

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Tract 0411.05: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307; Tract 0411.06: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314A, Block 314B, Block 315, Block 316A, Block 316B; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504A, Block 504B, Block 504C, Block 505, Block 506A, Block 506B; Tract 0412.01: Block Group 1: Block 101, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 114, Block 115A, Block 115B; Block Group 2: Block 201, Block 202, Block 203, Block 204A, Block 204B, Block 205A, Block 205B, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220; Block Group 3: Block 301A, Block 301B, Block 302A, Block 302B, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309A, Block 309B, Block 310, Block 311, Block 312A, Block 312B, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 317A, Block 317B, Block 318, Block 319A, Block 319B, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328, Block 329, Block 330; Tract 0412.03: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108, Block 109A, Block 109B, Block 110A, Block 110B, Block 111A, Block 111B, Block 112, Block 113, Block 114A, Block 114B; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308; Tract 0412.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110A, Block 110B, Block 110C, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205, Block 206A, Block 206B, Block 207, Block 208A, Block 208B, Block 209, Block 210, Block 211, Block 212A, Block 212B, Block 212C, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417; Tract 0413.06: Block Group 3: Block 307; Tract 0416: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114; Block Group 2: Block 201, Block 202A, Block 202B, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 217, Block 218, Block 220, Block 221, Block 222, Block 223; Tract 0417, Tract 0418: Block Group 1: Block 101A, Block 101B, Block 101C, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110A, Block 110B, Block 111A, Block 111B, Block 112A, Block 112B,

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Chapter 44.16 RCW LEGISLATIVE INQUIRY

RCW

44.16.010	Examination of witnesses--Compulsory process.
44.16.020	Service of process.
44.16.030	Chairman to administer oaths.
44.16.040	Commission to examine absent witness.
44.16.050	Commission executed during recess.
44.16.060	To whom directed--Interrogatories.
44.16.070	Oath and powers of commissioner.
44.16.080	Examination to be private.
44.16.090	Testimony reduced to writing.
44.16.100	Return of depositions.
44.16.110	Fees of commissioner and witnesses.
44.16.120	Punishment of recalcitrant witness.
44.16.130	Failure to attend--Contempt.
44.16.140	Refusal to testify--Contempt.
44.16.150	Punishment for contempt.
44.16.160	Warrant of imprisonment.
44.16.170	Record of proceedings.

Notes:

Reviser's note: "Act" has been translated to "chapter" throughout chapter 44.16 RCW as the entire chapter

is composed of 1895 c 6 with the exception of 1897 c 33 § 1, which is supplementary thereto.

RCW 44.16.010 Examination of witnesses--Compulsory process.

Applicable Cases

Every chairman or presiding member of any committee of either the senate or house of representatives, or any joint committee of the senate or house of representatives, which, by the terms of its appointment, shall be authorized to send for persons and papers, shall have power, under the direction of such committee, to issue compulsory process for the attendance of any witness within the state whom the committee may wish to examine.

[1895 c 6 § 1; RRS § 8178.]

RCW 44.16.020 Service of process.

Applicable Cases

All process provided for in this chapter may be served in the same manner as is provided by law for the service of process in the superior court; and it shall be the duty of any officer to whom any process may be delivered or issued, to serve the same as directed: PROVIDED, That in the service of process a copy thereof shall be delivered to the witness.

[1895 c 6 § 15; RRS § 8192.]

Notes:

Service of summons: RCW 4.28.080.

RCW 44.16.030 Chairman to administer oaths.

Applicable Cases

The chairman or presiding member of any committee of either the senate, house of representatives, or any joint committee thereof, shall be authorized to administer oaths to all witnesses coming before such committee for examination; and all witnesses who shall testify in any proceeding provided for in this chapter, shall be under oath or affirmation.

[1895 c 6 § 2; RRS § 8179.]

RCW 44.16.040 Commission to examine absent witness.

Applicable Cases

Every such chairman or presiding member shall also have power, under the direction of the committee, to issue a commission for the examination of any witness who shall be without the jurisdiction of the state, or if within the state, shall be unable to attend, or who shall, for any reasons, be excused by the committee from attendance.

[1895 c 6 § 3; RRS § 8180.]

RCW 44.16.050 Commission executed during recess.

Applicable Cases

Whenever such committee shall obtain authority for that purpose, from the senate or house, or legislature, by which it may be appointed, it may issue such commission to be executed during the recess of the legislature.

[1895 c 6 § 4; RRS § 8181.]

RCW 44.16.060 To whom directed--Interrogatories.

Applicable Cases

Every such commission shall be directed to such magistrate or other person, as the committee may designate, and interrogatories framed by the committee shall be annexed thereto.

[1895 c 6 § 5; RRS § 8182.]

RCW 44.16.070 Oath and powers of commissioner.

Applicable Cases

The person to whom such commission shall be directed, if he reside within the state and accept the trust, shall, before entering upon the execution of his duties, take the oath of office prescribed in the Constitution. Such commissioner shall have power to issue process to compel the attendance of witnesses, whom he shall be required to examine, and shall have power to administer oaths to such witnesses.

[1895 c 6 § 6; RRS § 8183.]

RCW 44.16.080 Examination to be private.

Applicable Cases

Unless otherwise directed by the committee, it shall in all cases be the duty of the commissioner to examine, in private, every witness attending before him, and not to make public the particulars of such examination, when so made in private, until the same shall be made public by order of the house or legislature appointing the committee.

[1895 c 6 § 7; RRS § 8184.]

RCW 44.16.090 Testimony reduced to writing.

Applicable Cases

Every witness so attending shall be examined on oath or affirmation, and his testimony shall be reduced to writing by the commissioner, or by some disinterested person in his presence and under the direction of said commissioner, and signed by the witness.

[1895 c 6 § 8; RRS § 8185.]

RCW 44.16.100 Return of depositions.

Applicable Cases

When a commission shall have been duly executed, the commissioner shall annex thereto the depositions of the witnesses, duly certified by him, and shall, without delay, transmit the same by mail, inclosed and under seal, or deliver the same, to the chairman of the committee by which the commission shall have been issued, or to such person as by the committee directed.

[1895 c 6 § 9; RRS § 8186.]

RCW 44.16.110 Fees of commissioner and witnesses.

Applicable Cases

A person executing any such commission shall be paid, out of the state treasury, the same fees that are allowed by law for the taking of depositions on commissions issued out of the superior courts of this state; and any witness attending before either house of the legislature, or any committee or joint committee thereof, or before any such commissioner, shall be so paid two dollars per day for each day in attendance, and five cents a mile for the distance necessarily traveled in attending as such witness.

[1895 c 6 § 10; RRS § 8187.]

RCW 44.16.120 Punishment of recalcitrant witness.

Applicable Cases

Any person who shall fail to attend as a witness upon any committee appointed by either the house or senate of the state of Washington, or both, after having been duly subpoenaed as provided in this chapter, or who, being in attendance as a witness before such committee, shall refuse to answer any question or produce any paper or document or book which he is required to answer or to produce by such committee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a term not longer than six months, or by both such fine and imprisonment.

[1897 c 33 § 1; RRS § 8194.]

Notes:

Witness refusing to attend legislature or committee or to testify: RCW 9.55.020.

RCW 44.16.130 Failure to attend--Contempt.

Applicable Cases

A person who, being duly summoned to attend as a witness before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, refuses or neglects, without lawful excuse, to attend pursuant to such summons, shall be punished as for contempt, as hereinafter provided.

[1895 c 6 § 11; RRS § 8188.]

RCW 44.16.140 Refusal to testify--Contempt.

Applicable Cases

A person who, being present before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, wilfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers or documents in his possession or under his control, shall be punished as for contempt, as hereinafter provided.

[1895 c 6 § 12; RRS § 8189.]

RCW 44.16.150 Punishment for contempt.

Applicable Cases

Any person being in contempt, as hereinbefore provided, shall be punished by fine in any sum not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail in the county where such examination is being had, for any period of time not extending beyond the legislative session then being held, or by both such fine and imprisonment, as the legislative body which authorized such examination may order. And in case the contempt arises in a joint proceeding of both houses, or before a joint committee thereof, the senate shall prescribe the penalty.

[1895 c 6 § 13; RRS § 8190.]

Notes:

Contempt: Chapter 7.21 RCW.

Witness refusing to attend legislature or committee or to testify: RCW 9.55.020.

RCW 44.16.160 Warrant of imprisonment.

Applicable Cases

If any fine is imposed against any person for contempt, as hereinbefore provided, he shall stand committed to the county jail of the county in which the offense was committed until such fine is paid. The presiding officer of the house, fixing the fine, shall issue a warrant to the sheriff of the county where the offense was committed, commanding him to imprison such person in the county jail until such fine is paid, or until he has been imprisoned in such jail one day for every three dollars of such fine.

[1895 c 6 § 14; RRS § 8191.]

RCW 44.16.170 Record of proceedings.

Applicable Cases

Every such committee shall keep a record of its proceedings under the provisions of this chapter, which record shall be signed by the chairman or presiding officer of the committee, and the same returned to the legislative body by which the committee was appointed, as a part of the report of such committee.

[1895 c 6 § 16; RRS § 8193.]

**Chapter 44.20 RCW
SESSION LAWS**

RCW

- 44.20.010 Engrossed bills filed with secretary of state.
- 44.20.020 Chapter numbers--Bill copies certified, delivered--Citation by number and year.
- 44.20.030 Publication of temporary edition.

44.20.050	Headings, index--Publication of permanent edition.
44.20.060	Duty of code reviser in arranging laws.
44.20.080	Private publication restricted.
44.20.090	Legislative records--Preservation.

Notes:

Distribution of session laws: RCW 40.04.040.

Public printer to print and bind session laws: RCW 43.78.030.

Revised Code of Washington: Chapter 1.04 RCW.

RCW 44.20.010 Engrossed bills filed with secretary of state.

Applicable Cases

Whenever any bill shall have passed both houses, the house transmitting the enrolled bill to the governor shall also file with the secretary of state the engrossed bill, together with the history of such bill up to the time of transmission to the governor.

[1907 c 136 § 1; RRS § 8196.]

Notes:

Secretary of state to keep record of acts of the legislature: State Constitution Art. 3 § 17; RCW 43.07.040.

RCW 44.20.020 Chapter numbers--Bill copies certified, delivered--Citation by number and year.

Applicable Cases

Whenever any bill shall become a law the secretary of state shall number such bill in the order in which it became a law, commencing with each session of the legislature, and shall forthwith certify and deliver three copies of such bill to the statute law committee. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the session laws heretofore or hereafter published shall be a sufficient reference to the act so designated.

[1969 c 6 § 1; 1907 c 136 § 2; RRS § 8197.]

RCW 44.20.030 Publication of temporary edition.

Applicable Cases

The statute law committee, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use separate copies of each act filed in the office of secretary of state within ten days after the filing thereof.

The committee shall cause to be reproduced or printed three thousand copies or such additional number as may be necessary of temporary bound sets of all acts filed in the office of secretary of state within seventy-five days after the final adjournment of the legislature for that year.

[1982 1st ex.s. c 32 § 3; 1969 c 6 § 2; 1961 c 21 § 1; 1933 ex.s. c 31 § 1; 1933 c 27 § 1; 1925 ex.s. c 35 § 1; 1907 c

136 § 3; RRS § 8198.]

Notes:

Distribution of temporary edition of session laws: RCW 40.04.035.

Statute law committee: Chapter 1.08 RCW.

RCW 44.20.050 Headings, index--Publication of permanent edition.

Applicable Cases

When all of the acts of any session of the legislature and initiative measures enacted by the people since the next preceding session have been certified to the statute law committee, the code reviser employed by the statute law committee shall make the proper headings and index of such acts or laws and, after such work has been completed, the statute law committee shall have published and bound in good buckram at least six hundred copies or such additional copies as may be necessary of such acts and laws, with such headings and indexes, and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper, including a certificate by the secretary of state of such referendum measures as may have been enacted by the people since the next preceding session.

[1982 1st ex.s. c 32 § 4; 1969 c 6 § 4; 1951 c 157 § 18; 1915 c 27 § 1; 1907 c 136 § 5; RRS § 8200.]

Notes:

Distribution of permanent edition of session laws: RCW 40.04.040.

RCW 44.20.060 Duty of code reviser in arranging laws.

Applicable Cases

In arranging the laws, memorials and resolutions for publication, the code reviser is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: PROVIDED, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature.

[1969 c 6 § 5; 1890 p 632 § 8; RRS § 8203.]

RCW 44.20.080 Private publication restricted.

Applicable Cases

It shall be unlawful for any person to print and publish for sale the session laws of any session in book form within one year after the adjournment of such session, other than those ordered printed by the statute law committee, or to deliver to anyone other than such committee or upon their order any of the session laws so ordered printed by them: PROVIDED, This section shall not apply to any general compilation of the laws of this state or to a compilation of any special laws or laws on any special subject.

[1969 c 6 § 6; 1907 c 136 § 6; RRS § 8201.]

RCW 44.20.090 Legislative records--Preservation.

Applicable Cases

See RCW 40.14.100 through 40.14.180.

Chapter 44.28 RCW
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(Formerly Legislative budget committee)

44.28.005	Definitions.
44.28.010	Committee created--Members.
44.28.020	Terms of members--Vacancies.
44.28.030	Continuation of memberships and powers.
44.28.040	Travel expenses.
44.28.050	Expenses of committee--Vouchers.
44.28.060	Executive committee--Legislative auditor--Rules, subcommittees.
44.28.065	Legislative auditor--Duties.
44.28.071	Conduct of performance audits.
44.28.075	Performance audits--Scope.
44.28.080	Powers--Appropriations, expenses, revenues.
44.28.083	Performance audit work plans.
44.28.088	Performance audit reports--Preliminary, final.
44.28.091	Compliance reports--Preliminary and final.
44.28.094	Quality control review of joint committee.
44.28.097	Agency documents furnished to joint committee.
44.28.100	Reports, minutes.
44.28.110	Examinations--Subpoenas--Depositions.
44.28.120	Contempt proceedings--Recalcitrant witnesses.
44.28.130	Witness fees and mileage.
44.28.150	Cooperation with legislative committees and others.
44.28.155	WorkFirst program evaluation.
44.28.800	Legislation affecting mentally ill persons--Report to legislature.
44.28.900	Severability--1951 c 43.

Notes:

Director of financial management: Chapter 43.41 RCW.

Loan program for mathematics and science teachers--Review of: RCW 28B.15.766.

Personal service contracts, filing with joint legislative audit and review committee required: Chapter 39.29 RCW.

State budgeting, accounting, and reporting: Chapter 43.88 RCW.

Study of funds related to state transportation programs: RCW 44.40.025.

Sunset review process: Chapter 43.131 RCW.

Termination of tax preferences: Chapter 43.136 RCW.

RCW 44.28.005 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Legislative auditor" means the executive officer of the joint legislative audit and review committee.

(2) "Economy and efficiency audits" means performance audits that establish: (a) Whether a state agency or unit of local government receiving state funds is acquiring, protecting, and using its resources such as personnel, property, and space economically and efficiently; (b) the causes of inefficiencies or uneconomical practices; and (c) whether the state agency or local government has complied with significant laws and rules in acquiring, protecting, and using its resources.

(3) "Final compliance report" means a written document, as approved by the joint committee, that states the specific actions a state agency or unit of local government receiving state funds has taken to implement recommendations contained in the final performance audit report and the preliminary compliance report. Any recommendations, including proposed legislation and changes in the agency's rules and practices or the local government's practices, based on testimony received, must be included in the final compliance report.

(4) "Final performance audit report" means a written document adopted by the joint legislative audit and review committee that contains the findings and proposed recommendations made in the preliminary performance audit report, the final recommendations adopted by the joint committee, any comments to the preliminary performance audit report by the joint committee, and any comments to the preliminary performance audit report by the state agency or local government that was audited.

(5) "Joint committee" means the joint legislative audit and review committee.

(6) "Local government" means a city, town, county, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including a public corporation created by such an entity.

(7) "Performance audit" means an objective and systematic assessment of a state agency or any of its programs, functions, or activities, or a unit of local government receiving state funds, by an independent evaluator in order to help public officials improve efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits. A performance audit of a local government may only be made to determine whether the local government is using state funds for their intended purpose in an efficient and effective manner.

(8) "Performance measures" are a composite of key indicators of a program's or activity's inputs, outputs, outcomes, productivity, timeliness, and/or quality. They are means of evaluating policies and programs by measuring results against agreed upon program goals or standards.

(9) "Preliminary compliance report" means a written document that states the specific actions a state agency or unit of local government receiving state funds has taken to implement any recommendations contained in the final performance audit report.

(10) "Preliminary performance audit report" means a written document prepared for review and comment by the joint legislative audit and review committee after the completion of a performance audit. The preliminary performance audit report must contain the audit findings and any proposed recommendations to improve the efficiency, effectiveness, or accountability of the

state agency or local government audited.

(11) "Program audits" means performance audits that determine: (a) The extent to which desired outcomes or results are being achieved; (b) the causes for not achieving intended outcomes or results; and (c) compliance with significant laws and rules applicable to the program.

(12) "State agency" or "agency" means a state agency, department, office, officer, board, commission, bureau, division, institution, or institution of higher education. "State agency" includes all elective offices in the executive branch of state government.

[1996 c 288 § 2.]

Notes:

Findings and intent--1996 c 288: "The public expects the legislature to address citizens' increasing demand for the basic services of state government, while limiting the growth in spending. The public demands that public officials and state employees be accountable to provide maximum value for every dollar entrusted to state government. The public believes that it is possible to improve the responsiveness of state government and to save the taxpayers' money, and that efficiency and effectiveness should result in savings.

The legislature, public officials, state employees, and citizens need to know the extent to which state agencies, programs, and activities are achieving the purposes for which they were created. It is essential to compare the conditions, problems, and priorities that led to the creation of government programs with current conditions, problems, and priorities, and to examine the need for and performance of those programs in the current environment.

Along with examining the performance of state agencies and programs, the legislature, public officials, state employees, and citizens must also consider the effect that state government programs can reasonably expect to have on citizens' lives, how the level of programs and services of Washington state government compares with that of other states, and alternatives for service delivery, including other levels of government and the private sector including not-for-profit organizations. It is essential that the legislature, public officials, state employees, and citizens share a common understanding of the role of state government. The performance and relative priority of state agency programs and activities must be the basis for managing and allocating resources within Washington state government.

It is the intent of the legislature to strengthen the role of the current legislative budget committee so that it may more effectively examine how efficiently state agencies perform their responsibilities and whether the agencies are achieving their goals, and whether units of local government are using state funds for their intended purpose in an efficient and effective manner. It is also the intent of the legislature to enact a clear set of definitions for different types of audits in order to eliminate confusion with regard to government reviews." [1996 c 288 § 1.]

RCW 44.28.010 Committee created--Members.

Applicable Cases

The joint legislative audit and review committee is created, which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate, and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year. If before the close of a regular session during an odd-numbered year, the governor issues a proclamation convening the legislature into special session, or the legislature by resolution convenes the legislature into special session, following such regular session, then such appointments shall be made as a matter of closing

business of such special session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint or confirm joint committee members, the members of the joint committee from either house in which there is a failure to appoint or confirm shall be elected by the members of such house.

[1996 c 288 § 3; 1983 c 52 § 1; 1980 c 87 § 30; 1969 c 10 § 4; 1967 ex.s. c 114 § 1; 1963 ex.s. c 20 § 1; 1955 c 206 § 4; 1951 c 43 § 1.]

RCW 44.28.020 Terms of members--Vacancies.

Applicable Cases

The term of office of the members of the joint committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session during an odd-numbered year or special session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of joint committee members who do not continue to be members of the senate and house ceases upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election or appointment. Vacancies on the joint committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

[1996 c 288 § 4; 1980 c 87 § 31; 1969 c 10 § 5; 1955 c 206 § 5; 1951 c 43 § 12.]

RCW 44.28.030 Continuation of memberships and powers.

Applicable Cases

On and after the commencement of a succeeding general session of the legislature, those members of the joint committee who continue to be members of the senate and house, respectively, shall continue as members of the joint committee as indicated in RCW 44.28.020 and the joint committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

[1996 c 288 § 5; 1955 c 206 § 6; 1951 c 43 § 13.]

RCW 44.28.040 Travel expenses.

Applicable Cases

The members of the joint committee shall serve without additional compensation, but shall be reimbursed for their travel expenses in accordance with RCW 44.04.120 for attending meetings of the joint committee or a subcommittee of the joint committee, or while engaged on other business authorized by the joint committee.

[1996 c 288 § 6; 1975-'76 2nd ex.s. c 34 § 134; 1951 c 43 § 14.]

Notes:

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 44.28.050 Expenses of committee--Vouchers.

Applicable Cases

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor. The legislative auditor may be authorized by the *legislative budget committee's executive committee to sign vouchers. Such authorization shall specify a dollar limitation and be set out in writing. A monthly report of such vouchers shall be submitted to the executive committee. If authorization is not given to the legislative auditor then the chair, or the vice-chair in the chair's absence, is authorized to sign vouchers. This authority shall continue until the chair's or vice-chair's successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

[1989 c 137 § 1; 1955 c 206 § 7; 1951 c 43 § 15.]

Notes:

***Reviser's note:** The "legislative budget committee" was redesignated the "joint legislative audit and review committee" by 1996 c 288 § 3.

Vouchers on public funds: Chapter 42.24 RCW.

RCW 44.28.060 Executive committee--Legislative auditor--Rules, subcommittees.

Applicable Cases

The members of the joint committee shall form an executive committee consisting of one member from each of the four major political caucuses, which shall include a chair and a vice-chair. The chair and vice-chair shall serve for a period not to exceed two years. The chair and the vice-chair may not be members of the same political party. The chair shall alternate between the members of the majority parties in the senate and the house of representatives.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee. The executive committee shall recommend applicants for the position of the legislative auditor to the membership of the joint committee. The legislative auditor shall be hired with the approval of a majority of the membership of the joint committee. The executive committee shall set the salary of the legislative auditor.

The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this chapter.

[1996 c 288 § 7; 1975 1st ex.s. c 293 § 13; 1951 c 43 § 2.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.065 Legislative auditor--Duties.

Applicable Cases

The legislative auditor shall:

- (1) Establish and manage the office of the joint legislative audit and review committee to carry out the functions of this chapter;
- (2) Direct the audit and review functions described in this chapter and ensure that performance audits are performed in accordance with the "Government Auditing Standards" published by the comptroller general of the United States as applicable to the scope of the audit;
- (3) Make findings and recommendations to the joint committee and under its direction to the committees of the state legislature concerning the organization and operation of state agencies and the expenditure of state funds by units of local government;
- (4) In consultation with and with the approval of the executive committee, hire staff necessary to carry out the purposes of this chapter. Employee salaries, other than the legislative auditor, shall be set by the legislative auditor with the approval of the executive committee;
- (5) Assist the several standing committees of the house and senate in consideration of legislation affecting state departments and their efficiency; appear before other legislative committees; and assist any other legislative committee upon instruction by the joint legislative audit and review committee;
- (6) Provide the legislature with information obtained under the direction of the joint legislative audit and review committee;
- (7) Maintain a record of all work performed by the legislative auditor under the direction of the joint legislative audit and review committee and keep and make available all documents, data, and reports submitted to the legislative auditor by any legislative committee.

[1996 c 288 § 8; 1975 1st ex.s. c 293 § 17; 1955 c 206 § 9; 1951 c 43 § 11. Formerly RCW 44.28.140.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.071 Conduct of performance audits.

Applicable Cases

- (1) In conducting performance audits and other reviews, the legislative auditor shall work closely with the chairs and staff of standing committees of the senate and house of representatives, and may work in consultation with the state auditor and the director of financial management.
- (2) The legislative auditor may contract with and consult with public and private independent professional and technical experts as necessary in conducting the performance audits. The legislative auditor should also involve front-line employees and internal auditors in the performance audit process to the highest possible degree.
- (3) The legislative auditor shall work with the legislative evaluation and accountability program committee and the office of financial management to develop information system capabilities necessary for the performance audit requirements of this chapter.
- (4) The legislative auditor shall work with the legislative office of performance review and the office of financial management to facilitate the implementation of effective performance measures throughout state government. In agencies and programs where effective systems for

performance measurement exist, the measurements incorporated into those systems should be a basis for performance audits conducted under this chapter.

[1996 c 288 § 9.]

RCW 44.28.075 Performance audits--Scope.

Applicable Cases

(1) Subject to the requirements of the performance audit work plan approved by the joint committee under RCW 44.28.083, performance audits may, in addition to the determinations that may be made in such an audit as specified in RCW 44.28.005, include the following:

(a) An examination of the costs and benefits of agency programs, functions, and activities;

(b) Identification of viable alternatives for reducing costs or improving service delivery;

(c) Identification of gaps and overlaps in service delivery, along with corrective action; and

(d) Comparison with other states whose agencies perform similar functions, as well as their relative funding levels and performance.

(2) As part of a performance audit, the legislative auditor may review the costs of programs recently implemented by the legislature to compare actual agency costs with the appropriations provided and the cost estimates that were included in the fiscal note for the program at the time the program was enacted.

[1996 c 288 § 10.]

RCW 44.28.080 Powers--Appropriations, expenses, revenues.

Applicable Cases

The joint committee has the following powers:

(1) To make examinations and reports concerning whether or not appropriations are being expended for the purposes and within the statutory restrictions provided by the legislature; and concerning the organization and operation of procedures necessary or desirable to promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions, and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information, and make findings of fact with respect thereto.

(3) To conduct program and fiscal reviews of any state agency or program scheduled for termination under the process provided under chapter 43.131 RCW.

(4) To perform other legislative staff studies of state government or the use of state funds.

(5) To conduct performance audits in accordance with the work plan adopted by the joint committee under *RCW 44.28.180.

(6) To receive a copy of each report of examination or audit issued by the state auditor for examinations or audits that were conducted at the request of the joint committee and to make

recommendations as it deems appropriate as a separate addendum to the report or audit.

(7) To develop internal tracking procedures that will allow the legislature to measure the effectiveness of performance audits conducted by the joint committee including, where appropriate, measurements of cost-savings and increases in efficiency and effectiveness in how state agencies deliver their services.

(8) To receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies.

[1996 c 288 § 11; 1975 1st ex.s. c 293 § 14; 1955 c 206 § 10; 1951 c 43 § 4.]

Notes:

***Reviser's note:** RCW 44.28.180 was recodified as RCW 44.28.083 pursuant to 1996 c 288 § 55.

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.083 Performance audit work plans.

Applicable Cases

(1) During the regular legislative session of each odd-numbered year, beginning with 1997, the joint legislative audit and review committee shall develop and approve a performance audit work plan for the subsequent sixteen to twenty-four-month period and an overall work plan that identifies state agency programs for which formal evaluation appears necessary. Among the factors to be considered in preparing the work plans are:

(a) Whether a program newly created or significantly altered by the legislature warrants continued oversight because (i) the fiscal impact of the program is significant, or (ii) the program represents a relatively high degree of risk in terms of reaching the stated goals and objectives for that program;

(b) Whether implementation of an existing program has failed to meet its goals and objectives by any significant degree; and

(c) Whether a follow-up audit would help ensure that previously identified recommendations for improvements were being implemented.

(2) The project description for each performance audit must include start and completion dates, the proposed approach, and cost estimates.

(3) The legislative auditor may consult with the chairs and staff of appropriate legislative committees, the state auditor, and the director of financial management in developing the performance audit work plan.

(4) The performance audit work plan and the overall work plan may include proposals to employ contract resources. As conditions warrant, the performance audit work plan and the overall work plan may be amended from time to time. All performance audit work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives no later than the sixtieth day of the regular legislative session of each odd-numbered year, beginning with 1997. All overall work plans shall be transmitted to the appropriate fiscal and policy committees of the senate and the house of representatives.

[1996 c 288 § 12; 1993 c 406 § 5. Formerly RCW 44.28.180.]

Notes:

Short title--1993 c 406: See note following RCW 43.88.020.

RCW 44.28.088 Performance audit reports--Preliminary, final.

Applicable Cases

(1) When the legislative auditor has completed a performance audit authorized in the performance audit work plan, the legislative auditor shall transmit the preliminary performance audit report to the affected state agency or local government and the office of financial management for comment. The agency or local government and the office of financial management shall provide any response to the legislative auditor within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the joint committee. The legislative auditor shall incorporate the response of the agency or local government and the office of financial management into the final performance audit report.

(2) Before releasing the results of a performance audit to the legislature or the public, the legislative auditor shall submit the preliminary performance audit report to the joint committee for its review, comments, and final recommendations. Any comments by the joint committee must be included as a separate addendum to the final performance audit report. Upon consideration and incorporation of the review, comments, and recommendations of the joint committee, the legislative auditor shall transmit the final performance audit report to the affected agency or local government, the director of financial management, the leadership of the senate and the house of representatives, and the appropriate standing committees of the house of representatives and the senate and shall publish the results and make the report available to the public. For purposes of this section, "leadership of the senate and the house of representatives" means the speaker of the house, the majority leaders of the senate and the house of representatives, the minority leaders of the senate and the house of representatives, the caucus chairs of both major political parties of the senate and the house of representatives, and the floor leaders of both major political parties of the senate and the house of representatives.

[1996 c 288 § 13.]

RCW 44.28.091 Compliance reports--Preliminary and final.

Applicable Cases

(1) No later than nine months after the final performance audit has been transmitted by the joint committee to the appropriate standing committees of the house of representatives and the senate, the joint committee in consultation with the standing committees may produce a preliminary compliance report on the agency's or local government's compliance with the final performance audit recommendations. The agency or local government may attach its comments to the joint committee's preliminary compliance report as a separate addendum.

(2) Within three months after the issuance of the preliminary compliance report, the joint committee may hold at least one public hearing and receive public testimony regarding the findings and recommendations contained in the preliminary compliance report. The joint

committee may waive the public hearing requirement if the preliminary compliance report demonstrates that the agency or local government is in compliance with the audit recommendations. The joint committee shall issue any final compliance report within four weeks after the public hearing or hearings. The legislative auditor shall transmit the final compliance report in the same manner as a final performance audit is transmitted under RCW 44.28.088.

[1996 c 288 § 14.]

RCW 44.28.094 Quality control review of joint committee.

Applicable Cases

Subject to the joint committee's approval, the office of the joint committee shall undergo an external quality control review within three years of June 6, 1996, and at regular intervals thereafter. The review must be conducted by an independent organization that has experience in conducting performance audits. The quality control review must include, at a minimum, an evaluation of the quality of the audits conducted by the joint committee, an assessment of the audit procedures used by the joint committee, and an assessment of the qualifications of the joint committee staff to conduct performance audits.

[1996 c 288 § 15.]

RCW 44.28.097 Agency documents furnished to joint committee.

Applicable Cases

All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the joint committee, shall be furnished by the agency requested to provide such report.

[1996 c 288 § 18; 1973 1st ex.s. c 197 § 2. Formerly RCW 44.28.087.]

RCW 44.28.100 Reports, minutes.

Applicable Cases

The joint committee may make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The joint committee shall keep complete minutes of its meetings.

[1996 c 288 § 19; 1987 c 505 § 45; 1975 1st ex.s. c 293 § 16; 1951 c 43 § 6.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.110 Examinations--Subpoenas--Depositions.

Applicable Cases

In the discharge of any duty herein imposed, the committee or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any state office, department, institution, board, committee, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and

testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by laws for taking depositions in civil actions in the superior courts.

[1955 c 206 § 8; 1951 c 43 § 8.]

Notes:

Depositions: Rules of court: CR 26 through 37.

RCW 44.28.120 Contempt proceedings--Recalcitrant witnesses.

Applicable Cases

In case of the failure on the part of any person to comply with any subpoena issued in behalf of the joint committee, or on the refusal of any witness to testify to any matters regarding which he or she may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the joint committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

[1996 c 288 § 20; 1951 c 43 § 9.]

Notes:

Contempt: Chapter 7.21 RCW.

Legislative inquiry: Chapter 44.16 RCW.

Witness refusing to attend legislature or committee or to testify: RCW 9.55.020.

RCW 44.28.130 Witness fees and mileage.

Applicable Cases

Each witness who appears before the joint committee by its order, other than a state official or employee, shall receive for his or her attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness, verified by the legislative auditor, and approved by the chair and the vice-chair of the joint committee.

[1996 c 288 § 21; 1951 c 43 § 10.]

Notes:

Witness fees and mileage: Chapter 2.40 RCW.

RCW 44.28.150 Cooperation with legislative committees and others.

Applicable Cases

The joint committee shall cooperate, act, and function with legislative committees and with the councils or committees of other states similar to this joint committee and with other interstate research organizations.

[1996 c 288 § 22; 1975 1st ex.s. c 293 § 18; 1951 c 43 § 7.]

Notes:

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

RCW 44.28.155 WorkFirst program evaluation.

Applicable Cases

(1) The joint legislative audit and review committee shall conduct an evaluation of the effectiveness of the WorkFirst program described in chapter 58, Laws of 1997, including the job opportunities and basic skills training program and any approved private, county, or local government WorkFirst program. The evaluation shall assess the success of the program in assisting clients to become employed and to reduce their use of temporary assistance for needy families. The study shall include but not be limited to the following:

(a) An assessment of employment outcomes, including hourly wages, hours worked, and total earnings, for clients;

(b) A comparison of temporary assistance for needy families outcomes, including grant amounts and program exits, for clients; and

(c) An audit of the performance-based contract for each private nonprofit contractor for job opportunities and basic skills training program services. The joint legislative audit and review committee may contract with the Washington institute for public policy for appropriate portions of the evaluation required by this section.

(2) Administrative data shall be provided by the department of social and health services, the employment security department, the state board for community and technical colleges, local governments, and private contractors. The department of social and health services shall require contractors to provide administrative and outcome data needed for this study as a condition of contract compliance.

[1997 c 58 § 705.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

RCW 44.28.800 Legislation affecting mentally ill persons--Report to legislature.

Applicable Cases

The joint legislative audit and review committee shall conduct an evaluation of the efficiency and effectiveness of chapter 297, Laws of 1998 in meeting its stated goals. Such an evaluation shall include the operation of the state mental hospitals and the regional support networks, as well as any other appropriate entity. The joint legislative audit and review committee shall prepare an interim report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than September 1, 2000. In addition, the joint legislative audit and review committee shall prepare a final report of its findings which shall be delivered to the appropriate legislative committees of the house of representatives and the senate no later than January 1, 2001.

[1998 c 297 § 61.]

Notes:

Effective dates--Severability--Intent--1998 c 297: See notes following RCW 71.05.010.

RCW 44.28.900 Severability--1951 c 43.

Applicable Cases

If any section, subsection, paragraph or provision of this chapter shall be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter.

[1951 c 43 § 16.]

**Chapter 44.39 RCW
JOINT COMMITTEE ON ENERGY AND UTILITIES**

RCW

44.39.010	Committee created.
44.39.015	Composition--Appointment of members.
44.39.020	Terms.
44.39.025	Vacancies.
44.39.038	Study of state building code relating to energy.
44.39.039	State-wide thermal efficiency and lighting code--Adoption by state building code council.
44.39.045	Expenses and per diem.
44.39.050	Payment of expenses--Vouchers.
44.39.060	Examinations--Subpoenas--Depositions--Contempt proceedings--Witness fees.
44.39.070	Meetings--Energy supply alert or energy emergency--Duties.

Notes:

Energy supply emergencies, alerts: Chapter 43.21G RCW.

RCW 44.39.010 Committee created.

Applicable Cases

There is hereby created the joint committee on energy and utilities of the legislature of the state of Washington.

[1977 ex.s. c 328 § 13; 1969 ex.s. c 260 § 1.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.015 Composition--Appointment of members.

Applicable Cases

The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members from the energy and utilities committee, including the chairman, two members being from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. The chairmen of the senate and house energy and utilities committees shall alternately serve as chairman for one year terms. The chairman of the house committee shall serve as the initial chairman. The chairman may designate another committee member to serve as chairman in his or her absence.

[1977 ex.s. c 328 § 14; 1969 ex.s. c 260 § 2.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.020 Terms.

Applicable Cases

Members shall serve until their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, at the next succeeding regular session of the legislature during an odd-numbered year, or until they are no longer members of the legislature, whichever is sooner.

[1980 c 87 § 38; 1977 ex.s. c 328 § 15; 1969 ex.s. c 260 § 3.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.025 Vacancies.

Applicable Cases

The presiding officer of the appropriate legislative chamber shall fill any vacancies occurring on the committee by appointment from the same political party as the departing member. Notwithstanding the provisions of RCW 44.39.015 as now or hereafter amended, any such appointee shall be deemed installed as a member upon appointment. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015, as now or hereafter amended, or until they are no longer members of the legislature, whichever is sooner.

[1977 ex.s. c 328 § 16; 1969 ex.s. c 260 § 4.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.038 Study of state building code relating to energy.

Applicable Cases

The senate and house committees on energy and utilities shall make continuing studies of the state building code as it relates to energy consumption, conservation and retention and shall submit their recommendations concerning such to the legislature periodically.

[1977 ex.s. c 14 § 13.]

Notes:

Severability--1977 ex.s. c 14: See RCW 19.27.905.
Energy-related building standards: Chapter 19.27A RCW.

RCW 44.39.039 State-wide thermal efficiency and lighting code--Adoption by state building code council.

Applicable Cases
See RCW 19.27A.020.

RCW 44.39.045 Expenses and per diem.

Applicable Cases

The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or any subcommittee of the committee, or while engaged in other committee business authorized by the committee, as provided for in RCW 44.04.120.

[1969 ex.s. c 260 § 8.]

RCW 44.39.050 Payment of expenses--Vouchers.

Applicable Cases

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the director of financial management and signed by the chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee.

[1979 c 151 § 156; 1969 ex.s. c 260 § 9.]

RCW 44.39.060 Examinations--Subpoenas--Depositions--Contempt proceedings--Witness fees.

Applicable Cases

In the discharge of any duty imposed by this chapter, the committee or any personnel acting under its direction shall have the authority to examine and inspect all properties, equipment, facilities, files, records, and accounts of any state office, department, institution, board, committee, commission, or agency; to administer oaths; and to issue subpoenas, upon approval of a majority of the members of the house or senate rules committee, to compel the attendance of witnesses and the production of any papers, books, accounts, documents, and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts.

In case of the failure of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in

the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the chairman of the committee.

[1977 ex.s. c 328 § 17.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

RCW 44.39.070 Meetings--Energy supply alert or energy emergency--Duties.

Applicable Cases

The committee shall only meet and function during a condition of energy supply alert or energy emergency. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee on energy and utilities shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee shall review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

The committee shall receive any request from the governor for the approval of a declaration of a condition of energy emergency as provided in RCW 43.21G.040 as now or hereafter amended and shall either approve or disapprove such request.

During a condition of energy supply alert, the committee shall receive any request from the governor for an extension of the condition of energy supply alert for an additional sixty consecutive days and the findings upon which such request is based and shall either approve or disapprove such request.

During a condition of energy emergency the committee shall receive any request from the governor for an extension of the condition of energy emergency for an additional forty-five consecutive days and the finding upon which any such request is based and shall either approve or disapprove such request.

[1977 ex.s. c 328 § 18.]

Notes:

Severability--1977 ex.s. c 328: See note following RCW 43.21G.010.

**Chapter 44.40 RCW
LEGISLATIVE TRANSPORTATION COMMITTEE--SENATE AND HOUSE**

TRANSPORTATION COMMITTEES

RCW

44.40.010	Creation--Composition--Appointments--Vacancies--Rules.
44.40.015	Executive committee--Selection--Duties.
44.40.020	Powers, duties, and studies.
44.40.025	Study of transportation-related funds or accounts--Coordination of activities.
44.40.030	Participation in activities of other organizations.
44.40.040	Members' allowances--Procedure for payment of committee's expenses.
44.40.050	Additional motor vehicle fees for support of committee activities.
44.40.070	State transportation agencies--Comprehensive programs and financial plans.
44.40.080	State transportation agencies--Recommended budget--Preparation and presentation--Contents.
44.40.090	Delegation of powers and duties to senate and house transportation committees.
44.40.100	Contracts and programs authorized.
44.40.120	Periodic review of plans for bicycle, pedestrian, and equestrian facilities.
44.40.140	Review of policy on fees imposed on nonpolluting fuels--Report.
44.40.150	Study--Recommendations for consideration--Staffing.

Notes:

Review of rules for private carrier drivers: RCW 46.73.010.

Study reports available to legislators: RCW 47.01.145.

RCW 44.40.010 Creation--Composition--Appointments--Vacancies--Rules.

Applicable Cases

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.

The committee shall adopt rules and procedures for its orderly operation.

[1999 1st sp.s. c 1 § 616; 1980 c 87 § 39; 1971 ex.s. c 195 § 1; 1967 ex.s. c 145 § 68; 1965 ex.s. c 170 § 64; 1963 ex.s. c 3 § 35.]

Notes:

Severability--Effective date--1999 1st sp.s. c 1: See notes following RCW 43.19.1906.

Severability--1971 ex.s. c 195: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other circumstances is not affected." [1971 ex.s. c 195 § 21.]

RCW 44.40.015 Executive committee--Selection--Duties.

Applicable Cases

The members of the legislative transportation committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation committee, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation committee [committee] staff utilization.

[1999 1st sp.s. c 1 § 617.]

Notes:

Severability--Effective date--1999 1st sp.s. c 1: See notes following RCW 43.19.1906.

RCW 44.40.020 Powers, duties, and studies.

Applicable Cases

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under *RCW 43.51.113.

[1996 c 129 § 9; 1977 ex.s. c 235 § 5; 1975 1st ex.s. c 268 § 1; 1963 ex.s. c 3 § 36.]

Notes:

***Reviser's note:** RCW 43.51.113 was recodified as RCW 79A.05.125 pursuant to 1999 c 249 § 1601.

Intent--Effective date--Severability--1996 c 129: See notes following RCW 79A.05.115.

Powers set forth in chapter 111, Laws of 1947: "Sec. 2. The committee is hereby authorized and directed to ascertain, study and analyze all available facts and matters relating or pertaining to: (a) A study of the policies relating to and the cost of the administration, operation, construction and maintenance of public highways and streets of the state, with recommendations for such changes as may be deemed necessary;

(b) the need for and cost of bringing the highways and streets in the state to acceptable standards, the cost of maintaining them in such condition, the need and cost of expanding the highway and street systems of the state to meet the increasing demands for travel and the demands arising from the changing economic and industrial development, and the determination of long-range programs to provide the needed construction;

(c) the making of a study of motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users;

(d) the determination of the portion of highway and street operation and construction costs assignable to the various highway users and classes of users so that all vehicles and classes of vehicles shall bear their fair share of such costs;

(e) the determination of the tax basis and rates to be exacted from each vehicle or user;

(f) a determination of what roads should be included in the state highway system and what changes should be made in the existing system;

(g) other studies of motor vehicle transport economics including but not limited to the inspection of motor vehicles to insure the safety of operation upon the highways, the control of loads and weights for the protection of the highway and street investments, and a study of such other factors and conditions as may appear necessary;

(h) the revision of any and all laws bearing upon or relating to the subject of this resolution together with the committee's recommendations for appropriate legislation. [1947 c 111 § 2.]

Sec. 3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the commencement of the next regular session. It shall file a final report not later than the 15th legislative day of the next regular session. The committee may prepare and submit a preliminary report to the legislature at any extraordinary session which may be convened. [1947 c 111 § 3.]

Sec. 4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon legislative committees and their members by the provisions of chapter 6, Laws of 1895 and chapter 33, Laws of 1897 (secs. 8178 through 8194, Rem. Rev. Stat.; secs. 722-1, -3, -5, -7, -9, -11, -13, -15, -17, -19, -21, -23, -25, -27, -29, -31, and -33, PPC) [chapter 44.16 RCW] and shall have additional powers: (a) To select a chairman and vice-chairman from its membership;

(b) to employ an executive secretary and such expert, clerical and other help as may be necessary to carry out its duties;

(c) to cooperate with and secure the cooperation of county, city and other local law enforcement agencies in investigating any matter within the scope of this act and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee;

(d) to do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this act." [1947 c 111 § 4.]

Reviser's note: Successive study authorizations, not codified in RCW, are to be found in the various session laws subsequent to 1947, for example: 1949 c 213; 1951 c 269; 1953 c 254; 1955 c 384; 1957 c 172; 1959 c 319; 1961 ex.s. c 21; 1963 ex.s. c 3; 1965 ex.s. c 170; 1967 ex.s. c 145; 1969 ex.s. c 281; 1970 ex.s. c 85; 1971 ex.s. c 195; 1973 1st ex.s. c 210; 1975 1st ex.s. c 268; 1977 ex.s. c 235; and 1979 ex.s. c 192.

Legislative transportation committee duties in conjunction with transportation commission: See note following RCW 47.01.071.

RCW 44.40.025 Study of transportation-related funds or accounts--Coordination of activities.

Applicable Cases

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

[1996 c 288 § 49; 1981 c 270 § 15; 1977 ex.s. c 235 § 6; 1975 1st ex.s. c 293 § 19; 1971 ex.s. c 195 § 2.]

Notes:

Effective date--Severability--1981 c 270: See notes following RCW 43.88.010.

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 44.40.030 Participation in activities of other organizations.

Applicable Cases

In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

[1982 c 227 § 17; 1977 ex.s. c 235 § 7; 1971 ex.s. c 195 § 3; 1963 ex.s. c 3 § 38.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 44.40.040 Members' allowances--Procedure for payment of committee's expenses.

Applicable Cases

The members of the legislative transportation committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120 as now or hereafter amended. All expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the

chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

[1979 c 151 § 157; 1977 ex.s. c 235 § 8; 1975 1st ex.s. c 268 § 3; 1971 ex.s. c 195 § 4; 1963 ex.s. c 3 § 39.]

Notes:

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 44.40.050 Additional motor vehicle fees for support of committee activities.

Applicable Cases

See RCW 46.16.061.

RCW 44.40.070 State transportation agencies--Comprehensive programs and financial plans.

Applicable Cases

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

[1998 c 245 § 87; 1988 c 167 § 10; 1979 ex.s. c 192 § 3; 1979 c 158 § 112; 1977 ex.s. c 235 § 9; 1973 1st ex.s. c 201 § 1.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective dates--1979 ex.s. c 192: "Section 6 of this 1979 act shall take effect July 1, 1980. Sections 1 through 5 of this 1979 act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1979." [1979 ex.s. c 192 § 7.]

Revenue forecasts: RCW 43.88.122.

RCW 44.40.080 State transportation agencies--Recommended budget--Preparation and presentation--Contents.

Applicable Cases

Notwithstanding any other provision of law, state transportation agencies shall prepare and present to the governor and to the legislature prior to its convening a recommended budget for the ensuing biennium. The biennial budget shall include details of expenditures, and performance and public service criteria for the transportation programs and activities of each agency in consonance with said agency's adopted six-year comprehensive program and financial

plan.

[1973 1st ex.s. c 201 § 2.]

RCW 44.40.090 Delegation of powers and duties to senate and house transportation committees.

Applicable Cases

Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation committee is not appointed.

[1977 ex.s. c 235 § 10; 1973 1st ex.s. c 210 § 2.]

RCW 44.40.100 Contracts and programs authorized.

Applicable Cases

The legislative transportation committee and/or the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of chapter 44.40 RCW as amended; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

[1977 ex.s. c 235 § 11; 1975 1st ex.s. c 268 § 7; 1973 1st ex.s. c 210 § 3.]

RCW 44.40.120 Periodic review of plans for bicycle, pedestrian, and equestrian facilities.

Applicable Cases

The house and senate transportation committees shall periodically review the six-year comprehensive plans submitted by cities and counties for expenditures for bicycle, pedestrian, and equestrian facilities prepared pursuant to RCW 35.77.010 and 36.81.121.

[1977 ex.s. c 235 § 12; 1975 1st ex.s. c 268 § 2.]

RCW 44.40.140 Review of policy on fees imposed on nonpolluting fuels--Report.

Applicable Cases

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation committee shall review the policy of the state concerning fees imposed on non-polluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

[1983 c 212 § 2.]

RCW 44.40.150 Study--Recommendations for consideration--Staffing.

Applicable Cases

(1) The legislative transportation committee shall undertake a study and develop

recommendations for legislative and executive consideration that will:

- (a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;
- (b) Enhance the accountability and organizational soundness of all transportation modes;
- (c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;
- (d) Encourage private sector support and financial participation in project development and construction of transportation projects;
- (e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;
- (f) Explore alternatives for the establishment of an integrated and balanced multimodal state-wide transportation system to meet the needs of the 21st century; and
- (g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation committee in carrying out its duties under this section.

(3) The legislative transportation committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

[1998 c 245 § 88; 1989 1st ex.s. c 6 § 14.]

Notes:

Severability--1989 1st ex.s. c 6: See note following RCW 46.68.110.

Chapter 44.44 RCW
OFFICE OF STATE ACTUARY--JOINT COMMITTEE ON PENSION POLICY

RCW

44.44.010	Office of state actuary--Created--Qualifications.
44.44.030	Personnel--Participation of American academy of actuaries.
44.44.040	Powers and duties--Actuarial fiscal notes.
44.44.050	Joint committee on pension policy--Membership, terms, leadership.
44.44.060	Joint committee on pension policy--Powers and duties.
44.44.900	Severability--1975-'76 2nd ex.s. c 105.

Notes:

Department of retirement systems: Chapter 41.50 RCW.

RCW 44.44.010 Office of state actuary--Created--Qualifications.

Applicable Cases

(1) There is hereby created an office within the legislative branch to be known as the office of the state actuary.

(2) The executive head of the office shall be the state actuary who shall be qualified by education and experience in the field of actuarial science.

[1987 c 25 § 1; 1975-'76 2nd ex.s. c 105 § 19.]

RCW 44.44.030 Personnel--Participation of American academy of actuaries.

Applicable Cases

(1) The state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the joint committee on pension policy, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

[1987 c 25 § 2; 1975-'76 2nd ex.s. c 105 § 21.]

RCW 44.44.040 Powers and duties--Actuarial fiscal notes.

Applicable Cases

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under *RCW 46.44.050.

[1987 c 25 § 3; 1986 c 317 § 6; 1975-'76 2nd ex.s. c 105 § 22.]

Notes:

***Reviser's note:** The reference to RCW 46.44.050 is in error. RCW 44.44.050 was apparently intended.

Legislative findings--Intent--Severability--1986 c 317: See notes following RCW 41.40.150.

RCW 44.44.050 Joint committee on pension policy--Membership, terms, leadership.

Applicable Cases

(1) There is hereby created a joint committee on pension policy. The committee shall consist of: (a) Eight members of the senate appointed by the president of the senate, four of whom shall be members of the majority party and four of whom shall be members of the minority party; and (b) eight members of the house of representatives appointed by the speaker, four of whom shall be members of the majority party and four of whom shall be members of the minority party. Members of the committee shall be appointed before the close of the 1987 legislative session and before the close of each regular session during an odd-numbered year thereafter.

(2) Each member's term of office shall run from the close of the session in which he or she was appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term shall continue until the member is reappointed or a successor is appointed. The term of office for a committee member who does not continue as a member of the senate or house shall cease upon the convening of the next session of the legislature during an odd-numbered year after the member's appointment, or upon the member's resignation, whichever is earlier. Vacancies on the committee shall be filled by appointment in the same manner as described in subsection (1) of this section. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years.

(4) The committee shall establish an executive committee of four members, including the chairperson and the vice-chairperson, representing the majority and minority caucuses of each house.

[1987 c 25 § 4.]

RCW 44.44.060 Joint committee on pension policy--Powers and duties.

Applicable Cases

The joint committee on pension policy shall have the following powers and duties:

(1) Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the legislature;

(2) Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the legislature; and

(3) Appoint or remove the state actuary by a two-thirds vote of the committee.

[1987 c 25 § 5.]

RCW 44.44.900 Severability--1975-'76 2nd ex.s. c 105.

Applicable Cases

See note following RCW 41.04.270.

Chapter 44.48 RCW

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

RCW

44.48.010	Committee created--Composition.
44.48.020	Terms of members--Vacancies.
44.48.030	Continuation of memberships, powers, duties, etc.
44.48.040	Travel expenses of members--Reimbursement.
44.48.050	Expenses of committee--Vouchers.
44.48.060	Officers and rules.
44.48.070	Committee's duties with respect to data processing capability for fiscal matters--LEAP defined.
44.48.080	Duties of LEAP administration.
44.48.090	Committee's powers.
44.48.100	Reports to legislature--Minutes.
44.48.110	Witness fees and mileage.
44.48.120	LEAP administrator and other assistants--Employment--Duties of LEAP administrator.
44.48.130	Exemption from department of information services.
44.48.140	Cooperation with legislative committees and others.
44.48.900	Severability--1977 ex.s. c 373.

Notes:

Alternative economic and revenue forecasts to be provided at the request of the legislative evaluation and accountability program committee: RCW 82.33.030.

RCW 44.48.010 Committee created--Composition.

Applicable Cases

There is hereby created a legislative evaluation and accountability program committee which shall consist of four senators and four representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house shall be from the same political party. All members shall be appointed before the close of the 1977 session of the legislature and before the close of each regular session during an odd-numbered year thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house.

[1980 c 87 § 40; 1977 ex.s. c 373 § 1.]

RCW 44.48.020 Terms of members--Vacancies.

Applicable Cases

The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.48.010 until the close of the next regular session during an odd-numbered year, or, in the event that such appointments or elections are not made, until the close of the next regular session during an odd-numbered year during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature during an odd-numbered year after their confirmation, election, or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

[1980 c 87 § 41; 1977 ex.s. c 373 § 2.]

RCW 44.48.030 Continuation of memberships, powers, duties, etc.

Applicable Cases

On and after the commencement of a succeeding regular session of the legislature during an odd-numbered year, those members of the committee who continue to be members of the senate and house, respectively, shall continue as members of the committee as indicated in RCW 44.48.020 and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use.

[1980 c 87 § 42; 1977 ex.s. c 373 § 3.]

RCW 44.48.040 Travel expenses of members--Reimbursement.

Applicable Cases

The members of the committee shall serve without additional compensation, but shall be reimbursed in accordance with RCW 44.04.120 while attending sessions of the committee or meetings of any subcommittee of the committee, or on other committee business authorized by the committee.

[1977 ex.s. c 373 § 4.]

RCW 44.48.050 Expenses of committee--Vouchers.

Applicable Cases

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the administrator and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated by law for the committee: PROVIDED, That the senate and the house may authorize the committee

to draw on funds appropriated by the legislature for legislative expenses.

[1977 ex.s. c 373 § 5.]

RCW 44.48.060 Officers and rules.

Applicable Cases

The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; and to make rules for orderly procedure.

[1977 ex.s. c 373 § 6.]

RCW 44.48.070 Committee's duties with respect to data processing capability for fiscal matters--LEAP defined.

Applicable Cases

The committee shall acquire a data processing service capability under the exclusive jurisdiction and control of the legislature acting through the committee and its administrator for the purpose of providing the legislature and its staff with the type of information required for in-depth analysis and monitoring of state agency expenditures, budgets, and related fiscal matters. The legislative evaluation and accountability program established in this section may be referred to in this chapter as the LEAP administration.

[1977 ex.s. c 373 § 7.]

RCW 44.48.080 Duties of LEAP administration.

Applicable Cases

To carry out the provisions of RCW 44.48.070 the LEAP administration shall provide for:

- (1) Automated data bases and application systems in support of legislative requirements to monitor, evaluate, analyze, report, and review;
- (2) Maintenance of computer software, application programs, data bases, and related documentation;
- (3) Education, training, and programming services;
- (4) Procedural documentation support; and
- (5) Consulting assistance on special projects.

[1977 ex.s. c 373 § 8.]

RCW 44.48.090 Committee's powers.

Applicable Cases

The committee shall have the following powers:

- (1) To have timely access, upon written request of the administrator, to all machine readable, printed, and other data of state agencies relative to expenditures, budgets, and related fiscal matters;
- (2) To suggest changes relative to state accounting and reporting systems to the office of financial management or its successor and to require timely written responses to such

suggestions; and

(3) To enter into contracts; and when entering into any contract for computer access, make necessary provisions relative to the scheduling of computer time and usage in recognition of the unique requirements and priorities of the legislative process.

[1979 c 151 § 158; 1977 ex.s. c 373 § 9.]

RCW 44.48.100 Reports to legislature--Minutes.

Applicable Cases

The committee shall have the power to make reports to the legislature. The committee shall keep complete minutes of its meetings.

[1987 c 505 § 46; 1977 ex.s. c 373 § 10.]

RCW 44.48.110 Witness fees and mileage.

Applicable Cases

Each person who appears before the committee, other than a state official or employee, may upon request receive for attendance the fees and mileage provided for witnesses in civil cases in courts of record in accordance with the provisions of RCW 2.40.010, which shall be audited and paid upon the presentation of proper vouchers signed by such person and approved by the secretary and chairman of the committee.

[1977 ex.s. c 373 § 11.]

RCW 44.48.120 LEAP administrator and other assistants--Employment--Duties of LEAP administrator.

Applicable Cases

The committee is hereby authorized and empowered to appoint an officer to be known as the LEAP administrator who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee.

The committee is hereby authorized and empowered to select and employ temporary and permanent personnel and fix their salaries.

The duties of the administrator shall be as follows:

- (1) To manage the LEAP operations.
- (2) To assist the several standing committees of the house and senate; to appear before other legislative committees; and to assist any other legislative committee upon instruction by the committee.
- (3) To provide the legislature with information obtained under the direction of the committee.
- (4) To maintain a record of all work performed by the administrator under the direction of the committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

[1977 ex.s. c 373 § 12.]

RCW 44.48.130 Exemption from department of information services.

Applicable Cases

The committee is hereby expressly exempted from the provisions of chapter 43.105 RCW.

[1977 ex.s. c 373 § 13.]

RCW 44.48.140 Cooperation with legislative committees and others.

Applicable Cases

The committee shall cooperate, act, and function with Washington state legislative committees and may cooperate with the councils or committees of other states similar to this committee and with other interstate research organizations.

[1977 ex.s. c 373 § 14.]

RCW 44.48.900 Severability--1977 ex.s. c 373.

Applicable Cases

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

[1977 ex.s. c 373 § 16.]

**Chapter 44.52 RCW
LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT**

RCW

44.52.010	Purpose--Legislative committee on economic development created--Membership.
44.52.020	Subcommittees--Rules of procedure.
44.52.030	Powers--Study and review of economic issues.
44.52.040	Staff support.
44.52.050	Travel expenses.
44.52.060	Payment of expenses.
44.52.070	Cooperation with other committees, agencies, and councils.
44.52.900	Severability--1985 c 467.
44.52.901	Effective date--1985 c 467.

RCW 44.52.010 Purpose--Legislative committee on economic development created--Membership.

Applicable Cases

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee

on economic development is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development which shall consist of six senators and six representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority.

[1985 c 467 § 17.]

RCW 44.52.020 Subcommittees--Rules of procedure.

Applicable Cases

The committee shall by majority vote establish subcommittees, and prescribe rules of procedure for itself and its subcommittees which are consistent with this chapter. The committee shall at a minimum establish a subcommittee on international trade and a subcommittee on industrial development.

[1985 c 467 § 18.]

RCW 44.52.030 Powers--Study and review of economic issues.

Applicable Cases

The committee or its subcommittees are authorized to study and review economic development issues with special emphasis on international trade, tourism, investment, and industrial development, and to assist the legislature in developing a comprehensive and consistent economic development policy. The issues under review by the committee shall include, but not be limited to:

(1) Evaluating existing state policies, laws, and programs which promote or affect economic development with special emphasis on those concerning international trade, tourism, and investment and determine their cost-effectiveness and level of cooperation with other public and private agencies.

(2) Monitoring economic trends, and developing for review by the legislature such appropriate state responses as may be deemed effective and appropriate.

(3) Monitoring economic development policies and programs of other states and nations and evaluating their effectiveness.

(4) Determining the economic impact of international trade, tourism, and investment upon the state's economy.

(5) Assessing the need for and effect of federal, regional, and state cooperation in

economic development policies and programs.

(6) Developing and evaluating legislative proposals concerning the issues specified in this section.

[1985 c 467 § 19.]

RCW 44.52.040 Staff support.

Applicable Cases

The committee shall receive the necessary staff support from both the senate and house staff resources.

[1985 c 467 § 20.]

RCW 44.52.050 Travel expenses.

Applicable Cases

The members of the committee shall serve without additional compensation, but shall be reimbursed for their travel expenses, in accordance with RCW 44.04.120, incurred while attending sessions of the committee or meetings of any subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings.

[1985 c 467 § 21.]

RCW 44.52.060 Payment of expenses.

Applicable Cases

All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairperson or vice chairperson of the committee and attested by the secretary of the committee, and the authority of the chairperson and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

[1985 c 467 § 22.]

RCW 44.52.070 Cooperation with other committees, agencies, and councils.

Applicable Cases

The committee shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states similar to this committee and with other interstate research organizations.

[1985 c 467 § 23.]

RCW 44.52.900 Severability--1985 c 467.

Applicable Cases

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

[1985 c 467 § 25.]

RCW 44.52.901 Effective date--1985 c 467.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985.

[1985 c 467 § 26.]

**Chapter 44.68 RCW
JOINT LEGISLATIVE SYSTEMS COMMITTEE**

RCW

44.68.010	Definitions.
44.68.020	Committee created--Members, terms, vacancies, officers, rules.
44.68.030	Administrative committee--Membership, coordinator as secretary.
44.68.040	Legislative systems coordinator--Employment, duties.
44.68.050	Administrative committee--Powers and duties.
44.68.060	Joint legislative service center--Duties--Protection of information--Bill drafts.
44.68.070	Legislative systems revolving fund.
44.68.080	Scope of requirements of this chapter.
44.68.090	Systems committee, administrative committee members--Travel expenses.
44.68.100	Electronic access to legislative information.

RCW 44.68.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative committee" means the legislative systems administrative committee created under RCW 44.68.030.

(2) "Center" means the joint legislative service center established under RCW 44.68.060.

(3) "Coordinator" means the legislative systems coordinator employed under RCW 44.68.040.

(4) "Systems committee" means the joint legislative systems committee created under RCW 44.68.020.

[1986 c 61 § 1.]

RCW 44.68.020 Committee created--Members, terms, vacancies, officers, rules.

Applicable Cases

(1) The joint legislative systems committee is created to oversee the direction of the

information processing and communications systems of the legislature and to enforce the policies, procedures, and standards established under this chapter. The systems committee consists of four members as follows:

(a) A member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives; and

(b) A member from each of the two largest caucuses in the senate, appointed by the majority leader of the senate.

(2) Members shall serve two-year terms, beginning with their appointment in the regular legislative session held in an odd-numbered year and continuing until their successors are appointed and qualified. In case of a vacancy, the original appointing authority shall appoint another member of the same party as the vacating member.

(3) The systems committee shall choose its own presiding officer and other necessary officers from among its membership, and shall make rules for orderly procedure.

[1993 c 332 § 1; 1986 c 61 § 2.]

RCW 44.68.030 Administrative committee--Membership, coordinator as secretary.

Applicable Cases

(1) The legislative systems administrative committee is created to manage the information processing and communications systems of the legislature. The administrative committee consists of five members appointed as follows:

(a) The secretary of the senate, and another senate staff person appointed by and serving at the pleasure of the secretary;

(b) The chief clerk of the house of representatives, and another house of representatives staff person appointed by and serving at the pleasure of the chief clerk; and

(c) The code reviser, or the code reviser's designee, serving in a nonvoting capacity.

(2) The coordinator shall serve as the secretary of the administrative committee.

[1986 c 61 § 3.]

RCW 44.68.040 Legislative systems coordinator--Employment, duties.

Applicable Cases

(1) The systems committee, after consultation with the administrative committee, shall employ a legislative systems coordinator. The coordinator shall serve at the pleasure of the systems committee, which shall fix the coordinator's salary.

(2) The coordinator shall serve as the executive and administrative head of the center, and shall assist the administrative committee in managing the information processing and communications systems of the legislature as directed by the administrative committee.

[1986 c 61 § 4.]

RCW 44.68.050 Administrative committee--Powers and duties.

Applicable Cases

The administrative committee shall, subject to the approval of the systems committee:

(1) Adopt policies, procedures, and standards regarding the information processing and communications systems of the legislature;

(2) Establish appropriate charges for services, equipment, and publications provided by the legislative information processing and communications systems, applicable to legislative and nonlegislative users as determined by the administrative committee;

(3) Employ or engage and fix the compensation for personnel required to carry out the purposes of this chapter;

(4) Enter into contracts for (a) the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter and (b) the distribution of legislative information;

(5) Generally assist the systems committee in carrying out its responsibilities under this chapter, as directed by the systems committee.

[1986 c 61 § 5.]

RCW 44.68.060 Joint legislative service center--Duties--Protection of information--Bill drafts.

Applicable Cases

(1) The administrative committee, subject to the approval of the systems committee, shall establish a joint legislative service center. The center shall provide automatic data processing services, equipment, training, and support to the legislature and legislative agencies. The center may also, by agreement, provide services to agencies of the judicial and executive branch. All operations of the center shall be subject to the general supervision of the administrative committee in accordance with the policies, procedures, and standards established under RCW 44.68.050.

(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center shall rest solely with the originator and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in RCW 44.68.060. However, determinations regarding the security, disclosure, and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection.

[1986 c 61 § 6.]

RCW 44.68.070 Legislative systems revolving fund.

Applicable Cases

The legislative systems revolving fund is established in the custody of the state treasurer.

All moneys received by the systems committee, the administrative committee, and the center shall be deposited in the fund. Moneys in the fund may be spent only for expenses approved by the systems committee for the purposes of this chapter. Disbursements from the fund shall be on vouchers signed by both the presiding officer of the systems committee and the coordinator. No appropriation is required for disbursements from the fund. The senate and house of representatives may transfer moneys appropriated for legislative expenses to the fund, in addition to charges made under RCW 44.68.050(2).

[1986 c 61 § 7.]

RCW 44.68.080 Scope of requirements of this chapter.

Applicable Cases

The information and communications functions of the legislature and legislative agencies are subject to the requirements of this chapter, and the standards, policies, and procedures established under this chapter.

[1986 c 61 § 8.]

RCW 44.68.090 Systems committee, administrative committee members--Travel expenses.

Applicable Cases

Members of the systems committee and of the administrative committee shall be reimbursed for travel expenses under RCW 44.04.120 or 43.03.050 and 43.03.060, as appropriate, while attending meetings of their respective committees or on other official business authorized by their respective committees.

[1986 c 61 § 9.]

RCW 44.68.100 Electronic access to legislative information.

Applicable Cases

The legislature and legislative agencies through the joint legislative systems committee, shall:

- (1) Continue to plan for and implement processes for making legislative information available electronically;
- (2) Promote and facilitate electronic access to the public of legislative information and services;
- (3) Establish technical standards for such services;
- (4) Consider electronic public access needs when planning new information systems or major upgrades of information systems;
- (5) Develop processes to determine which legislative information the public most wants and needs;
- (6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;
- (7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without

extensive technology ability; and

(8) Consider and incorporate wherever possible ease of access to electronic technologies by persons with disabilities.

[1996 c 171 § 4.]

Notes:

Captions not law--Effective dates--1996 c 171: See notes following RCW 43.105.250.

**Title 46
MOTOR VEHICLES**

RCW

- 46.01 Department of licensing.**
- 46.04 Definitions.**
- 46.08 General provisions.**
- 46.09 Off-road and nonhighway vehicles.**
- 46.10 Snowmobiles.**
- 46.12 Certificates of ownership and registration.**
- 46.16 Vehicle licenses.**
- 46.20 Drivers' licenses--Identical cards.**
- 46.21 Driver license compact.**
- 46.23 Nonresident violator compact.**
- 46.25 Uniform Commercial Driver's License Act.**
- 46.29 Financial responsibility.**
- 46.30 Mandatory liability insurance.**
- 46.32 Vehicle inspection.**
- 46.37 Vehicle lighting and other equipment.**
- 46.38 Vehicle equipment safety compact.**
- 46.39 Interstate compact for school bus safety.**
- 46.44 Size, weight, load.**
- 46.48 Transportation of hazardous materials.**
- 46.52 Accidents--Reports--Abandoned vehicles.**
- 46.55 Towing and impoundment.**
- 46.61 Rules of the road.**
- 46.63 Disposition of traffic infractions.**
- 46.64 Enforcement.**
- 46.65 Washington Habitual Traffic Offenders Act.**
- 46.68 Disposition of revenue.**
- 46.70 Dealers and manufacturers.**
- 46.71 Automotive repair.**
- 46.72 Transportation of passengers in for hire vehicles.**
- 46.72A Limousines.**

- 46.73 Private carrier drivers.**
- 46.74 Ride sharing.**
- 46.76 Motor vehicle transporters.**
- 46.79 Hulk haulers and scrap processors.**
- 46.80 Vehicle wreckers.**
- 46.81 Traffic safety education courses.**
- 46.81A Motorcycle skills education program.**
- 46.82 Driver training schools.**
- 46.83 Traffic schools.**
- 46.85 Reciprocal or proportional registration of vehicles.**
- 46.87 Proportional registration.**
- 46.88 Out-of-state commercial vehicles--Intrastate permits.**
- 46.90 Washington Model Traffic Ordinance.**
- 46.94 Motorcycle dealers' franchise act.**
- 46.96 Manufacturers' and dealers' franchise agreements.**
- 46.98 Construction.**

Notes:

Reviser's note: Throughout Title 46 RCW references to (1) "joint committee on highways, streets and bridges" have been changed to "legislative transportation committee" under the authority of RCW 44.40.010; and (2) "public service commission" have been changed to "utilities and transportation commission" under the authority of 1961 c 290 § 1.

Aircraft and airman regulations: Chapter 14.16 RCW.

Aircraft dealers: Chapter 14.20 RCW.

Ambulances and drivers: RCW 70.54.060, 70.54.065.

Auto transportation companies: Title 81 RCW.

Bicycles, regulation by cities: Chapter 35.75 RCW.

Buses, unlawful conduct on: RCW 9.91.025.

Campers, excise tax: Chapter 82.50 RCW.

Consumer protection: Chapter 19.86 RCW.

Crimes

controlled substances, seizure and forfeiture of vehicles: RCW 69.50.505.

driving while intoxicated while engaged in occupational duties: RCW 9.91.020.

firearms in vehicle: RCW 9.41.050, 9.41.060.

taking motor vehicle without permission: RCW 9A.56.070.

vehicle prowling: RCW 9A.52.095, 9A.52.100.

Emission control program: Chapter 70.120 RCW.

Explosives, regulation: Chapter 70.74 RCW.

Fireworks, regulation, transportation: Chapter 70.77 RCW.

Highway funds, use, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

Hulk haulers and scrap processors: Chapter 46.79 RCW.

Juveniles, court to forward record to director of licensing: RCW 13.50.200.

Leases: Chapter 62A.2A RCW.

"Lemon Law": Chapter 19.118 RCW.

Limited access highways, violations: RCW 47.52.120.

Littering: Chapter 70.93 RCW.

Marine employees--Public employment relations: Chapter 47.64 RCW.
Mobile home, travel trailer, and camper excise tax: Chapter 82.50 RCW.
Mobile homes, excise tax: Chapter 82.50 RCW.
Motor boat regulation: Chapter 79A.60 RCW.
Motor vehicle
excise tax: Chapter 82.44 RCW.
fuel tax: Chapter 82.36 RCW.
use tax: Chapter 82.12 RCW.
Motor vehicle fund income from United States securities--Exemption from reserve fund requirement: RCW 43.84.095.
State patrol: Chapter 43.43 RCW.
Toll bridge authority: Chapters 47.56, 47.60 RCW.
Traffic control at work sites: RCW 47.36.200 through 47.36.230.
Traffic safety commission: Chapter 43.59 RCW.
Travel trailers, excise tax: Chapter 82.50 RCW.
Warranties, express: Chapter 19.118 RCW.

Chapter 46.01 RCW DEPARTMENT OF LICENSING

RCW	
46.01.011	Purpose.
46.01.020	Department created.
46.01.030	Administration and improvement of certain motor vehicle laws.
46.01.040	Powers, duties, and functions relating to motor vehicle laws vested in department.
46.01.070	Functions performed by state patrol as agent for director of licenses transferred to department.
46.01.100	Organization of department.
46.01.110	Rule-making authority.
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46.01.130	Powers of department and director--Personnel--Appointment of county auditors as agents.
46.01.140	Special deputies and subagents of director--Disposition of application fees.
46.01.150	Branch offices.
46.01.160	Forms for applications, licenses, and certificates.
46.01.170	Seal.
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46.01.190	Designation of state patrol as agent for surrender of drivers' licenses.
46.01.230	Payment by check or money order--Regulations--Surrender of canceled license--Handling fee for dishonored checks.
46.01.235	Payment by credit or debit card.
46.01.250	Certified copies of records--Fee.
46.01.260	Destruction of records by director.
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46.01.290	Director to make annual reports to governor.
46.01.310	Immunity of licensing agents.
46.01.320	Title and registration advisory committee.
46.01.325	Agent and subagent fees--Analysis and evaluation.

- 46.01.330 Facilities siting coordination.
- 46.01.340 Data base of fuel dealer and distributor license information.
- 46.01.350 Fuel tax advisory group.

Notes:

Extension or modification of licensing, certification, or registration period authorized--Rules and regulations, manner and content: RCW 43.24.140.

Gambling commission, administrator and staff for: RCW 9.46.080.

Health, department of, functions transferred to: RCW 43.70.901.

Public bodies may retain collection agencies to collect public debts--Fees: RCW 19.16.500.

RCW 46.01.011 Purpose.

Applicable Cases

The legislature finds that the department of licensing administers laws relating to the licensing and regulation of professions, businesses, gambling, and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state.

[1994 c 92 § 500; 1979 c 158 § 113; 1977 ex.s. c 334 § 1.]

Notes:

Effective date--1977 ex.s. c 334: "This 1977 amendatory act shall take effect on July 1, 1977." [1977 ex.s. c 334 § 8.]

RCW 46.01.020 Department created.

Applicable Cases

A department of the government of this state to be known as the "department of licensing" is hereby created.

[1979 c 158 § 114; 1977 ex.s. c 334 § 2; 1965 c 156 § 2.]

Notes:

Effective date--1977 ex.s. c 334: See note following RCW 46.01.011.

RCW 46.01.030 Administration and improvement of certain motor vehicle laws.

Applicable Cases

The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;

- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and traffic safety commission;
- (11) such other activities as the legislature may provide.

[1990 c 250 § 14; 1965 c 156 § 3.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.01.040 Powers, duties, and functions relating to motor vehicle laws vested in department.

Applicable Cases

The department of licensing is vested with all powers, functions, and duties with respect to and including the following:

- (1) The motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) The special fuel tax as provided in chapter 82.38 RCW;
- (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) The house trailer excise tax as provided in chapter 82.50 RCW;
- (5) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) Certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) The registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) Dealers' licenses as provided in chapter 46.70 RCW;
- (9) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) The licensing of *motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) The administration of the laws relating to reciprocal or proportional registration of motor vehicles as provided in chapter 46.85 RCW;
- (12) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) Operators' licenses as provided in chapter 46.20 RCW;
- (14) Commercial driver training schools as provided in chapter 46.82 RCW;
- (15) Financial responsibility as provided in chapter 46.29 RCW;
- (16) Accident reporting as provided in chapter 46.52 RCW;
- (17) Disposition of revenues as provided in chapter 46.68 RCW; and
- (18) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965.

[1983 c 3 § 117; 1979 c 158 § 115; 1965 c 156 § 4.]

Notes:

***Reviser's note:** "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

RCW 46.01.070 Functions performed by state patrol as agent for director of licenses transferred to department.

Applicable Cases

Functions named in RCW 46.01.030 which have been performed by the state patrol as agent of the director of licenses before June 30, 1965 shall be performed by the department of licensing after June 30, 1965.

[1979 c 158 § 118; 1965 c 156 § 7.]

RCW 46.01.100 Organization of department.

Applicable Cases

Directors shall organize the department in such manner as they may deem necessary to segregate and conduct the work of the department.

[1990 c 250 § 16; 1965 c 156 § 10.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.01.110 Rule-making authority.

Applicable Cases

The director of licensing is hereby authorized to adopt and enforce such reasonable rules as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule.

[1995 c 403 § 108; 1979 c 158 § 120; 1965 c 156 § 11; 1961 c 12 § 46.08.140. Prior: 1937 c 188 § 79; RRS § 6312-79. Formerly RCW 46.08.140.]

Notes:

Findings--Short title--Intent--1995 c 403: See note following RCW 34.05.328.

Part headings not law--Severability--1995 c 403: See RCW 43.05.903 and 43.05.904.

RCW 46.01.115 Rules to implement 1998 c 165.

Applicable Cases

The department of licensing may adopt rules as necessary to implement chapter 165, Laws of 1998.

[1998 c 165 § 14.]

Notes:

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.01.130 Powers of department and director--Personnel--Appointment of county auditors as agents.

Applicable Cases

The department of licensing shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles.

[1979 c 158 § 121; 1973 c 103 § 2; 1971 ex.s. c 231 § 8; 1965 c 156 § 13; 1961 c 12 § 46.08.090. Prior: 1937 c 188 § 26; RRS § 6312-26; prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part. Formerly RCW 46.08.090.]

Notes:

Severability--1973 c 103: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 103 § 9.]

Effective date--1971 ex.s. c 231: "(1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973." [1971 ex.s. c 231 § 24.] Sections 1 through 7 of Laws of 1971 ex. sess. c 231 consist of RCW 46.04.085, 46.04.302, 46.04.303, 46.04.305, 46.12.280, 46.16.111, and 46.16.505; sections 8 through 23 of Laws of 1971 ex. sess. c 231 consist of RCW 46.01.130, 46.01.140, 46.01.300, 46.12.105, 46.12.290, 46.16.100, 46.16.104 through 46.16.106, 46.16.510 through 46.16.550, 46.68.030, and 46.70.290.

RCW 46.01.140 Special deputies and subagents of director--Disposition of application fees.

Applicable Cases

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county. Upon authorization of the director, the auditor shall advertise a request for proposals and use the process for soliciting vendors under RCW 39.04.190(2), except that the provision requiring the contract to be awarded to the lowest responsible bidder shall not

apply. The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the request for proposal process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW

46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(5) A subagent shall collect a service fee of (a) seven dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) three dollars for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.

[1996 c 315 § 1; 1992 c 216 § 1; 1991 c 339 § 16; 1990 c 250 § 89; 1988 c 12 § 1; 1987 c 302 § 1; 1985 c 380 § 12. Prior: 1983 c 77 § 1; 1983 c 26 § 1; 1980 c 114 § 2; 1979 c 158 § 122; 1975 1st ex.s. c 146 § 1; 1973 c 103 § 1; 1971 ex.s. c 231 § 9; 1971 ex.s. c 91 § 3; 1965 c 156 § 14; 1963 c 85 § 1; 1961 c 12 § 46.08.100; prior: 1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27. Formerly RCW 46.08.100.]

Notes:

Effective dates--1996 c 315 §§ 1, 4, 5: "(1) Section 4 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vehicle fees due or to become due on January 1, 1997, and thereafter.

(2) Section 5 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vessel fees due or to become due on July 1, 1997, and thereafter.

(3) The amendments to RCW 46.01.140(5) (a) and (b) by section 1 of this act become effective on July 1, 1996." [1996 c 315 § 6.]

Effective date--1991 c 339 §§ 16, 17: "Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 339 § 34.]

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1987 c 302: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 302 § 5.]

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.01.150 Branch offices.

Applicable Cases

The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department.

[1965 c 156 § 15.]

Notes:

Office of department, maintenance at state capital: RCW 43.17.050.

RCW 46.01.160 Forms for applications, licenses, and certificates.

Applicable Cases

The director shall prescribe and provide suitable forms of applications, certificates of ownership and registration, drivers' licenses and all other forms and licenses requisite or deemed necessary to carry out the provisions of Title 46 RCW and any other laws the enforcement and administration of which are vested in the department.

[1965 c 156 § 16.]

Notes:

Director to prescribe forms for applications, licenses, and certificates: RCW 43.24.040.

RCW 46.01.170 Seal.

Applicable Cases

The department shall have an official seal with the words "Department of Licensing of Washington" engraved thereon.

[1977 ex.s. c 334 § 4; 1965 c 156 § 17.]

Notes:

Effective date--1977 ex.s. c 334: See note following RCW 46.01.011.

RCW 46.01.180 Oaths and acknowledgments.

Applicable Cases

Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee.

[1965 c 156 § 18.]

Notes:

Oath of director: RCW 43.17.030.

RCW 46.01.190 Designation of state patrol as agent for surrender of drivers' licenses.

Applicable Cases

The director of licensing may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law.

[1979 c 158 § 123; 1965 c 156 § 19.]

RCW 46.01.230 Payment by check or money order--Regulations--Surrender of canceled license--Handling fee for dishonored checks.

Applicable Cases

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified that such certificate, license, or permit has been canceled pursuant to this section. Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the holder of the certificate, license, or permit, and recording the transmittal on an affidavit of first class mail.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority.

[1994 c 262 § 1; 1992 c 216 § 2; 1987 c 302 § 2; 1979 ex.s. c 136 § 39; 1979 c 158 § 124; 1975 c 52 § 1; 1965 ex.s. c 170 § 44.]

Notes:

Severability--1987 c 302: See note following RCW 46.01.140.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.01.235 Payment by credit or debit card.

Applicable Cases

The department may adopt necessary rules and procedures to allow use of credit and debit cards for payment of fees and excise taxes to the department and its agents or subagents related to vehicle and vessel titling and registration. The department may establish a convenience fee to be paid by the credit or debit card user whenever a credit or debit card is chosen as the payment method. The fee must be sufficient to offset the charges imposed on the department and its agents and subagents by credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state.

The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

[1999 c 271 § 1.]

RCW 46.01.250 Certified copies of records--Fee.

Applicable Cases

The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of licensing under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

[1979 c 158 § 125; 1967 c 32 § 3; 1961 c 12 § 46.08.110. Prior: 1937 c 188 § 80; RRS § 6312-80. Formerly RCW 46.08.110.]

RCW 46.01.260 Destruction of records by director.

Applicable Cases

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.520 and 46.61.522 or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication,

destroy records of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502 or 46.61.504;

or

(ii) If the offense was originally charged as one of the offenses designated in (a) or (b)(i) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) or (b)(i) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

[1999 c 86 § 2; 1998 c 207 § 3; 1997 c 66 § 11; 1996 c 199 § 4; 1994 c 275 § 14; 1984 c 241 § 1; 1971 ex.s. c 22 § 1; 1965 ex.s. c 170 § 45; 1961 c 12 § 46.08.120. Prior: 1955 c 76 § 1; 1951 c 241 § 1; 1937 c 188 § 77; RRS § 6312-77. Formerly RCW 46.08.120.]

Notes:

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--1996 c 199: See note following RCW 9.94A.120.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.01.270 Destruction of records by county auditor.

Applicable Cases

The county auditor may destroy applications for vehicle licenses and any copies of vehicle licenses issued after such records have been on file in the auditor's office for a period of eighteen months, unless otherwise directed by the director.

[1991 c 339 § 18; 1967 c 32 § 4; 1961 c 12 § 46.08.130. Prior: 1937 c 188 § 78; RRS § 6312-78. Formerly RCW 46.08.130.]

RCW 46.01.290 Director to make annual reports to governor.

Applicable Cases

The director shall report annually to the governor on the activities of the department.

[1977 c 75 § 66; 1967 c 32 § 5; 1965 c 28 § 1; 1961 ex.s. c 21 § 29. Formerly RCW 46.08.200.]

RCW 46.01.310 Immunity of licensing agents.

Applicable Cases

No civil suit or action may ever be commenced or prosecuted against any county auditor, or against any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling, licensing, or registration of vehicles or vessels while administering duties and responsibilities as an agent of the director of licensing, or as an agent of an agent of the director of licensing, pursuant to RCW 46.01.140. However, this section does not bar the state of Washington or the director of licensing from bringing any action, whether civil or criminal, against any such agent, nor shall it bar a county auditor or other agent of the director from bringing an action against his or her agent.

[1987 c 302 § 3.]

Notes:

Retroactive application: "RCW 46.01.310 shall apply retroactively to all claims for which actions have not been filed before May 8, 1987." [1987 c 302 § 4.]

Severability--1987 c 302: See note following RCW 46.01.140.

RCW 46.01.320 Title and registration advisory committee.

Applicable Cases

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations when requested by the legislative transportation committee, or on its own initiative, about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140(3).

[1996 c 315 § 2; 1992 c 216 § 3.]

RCW 46.01.325 Agent and subagent fees--Analysis and evaluation.

Applicable Cases

(1) The director shall prepare, with the advice of the title and registration advisory committee, an annual comprehensive analysis and evaluation of agent and subagent fees. The director shall make recommendations for agent and subagent fee revisions approved by the title and registration advisory committee to the legislative transportation committee by January 1st of every third year starting with 1996. Fee revision recommendations may be made more frequently when justified by the annual analysis and evaluation, and requested by the title and registration advisory committee.

(2) The annual comprehensive analysis and evaluation must consider, but is not limited to:

(a) Unique and significant financial, legislative, or other relevant developments that may impact fees;

(b) Current funding for ongoing operating and maintenance automation project costs affecting revenue collection and service delivery;

(c) Future system requirements including an appropriate sharing of costs between the department, agents, and subagents;

(d) Beneficial mix of customer service delivery options based on a fee structure commensurate with quality performance standards;

(e) Appropriate indices projecting state and national growth in business and economic

conditions prepared by the United States department of commerce, the department of revenue, and the revenue forecast council for the state of Washington.

[1996 c 315 § 3.]

RCW 46.01.330 Facilities siting coordination.

Applicable Cases

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the collocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to collocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies' needs do not warrant collocation this section shall not apply.

[1993 sp.s. c 23 § 46.]

Notes:

Effective dates--1993 sp.s. c 23: See note following RCW 43.89.010.

RCW 46.01.340 Data base of fuel dealer and distributor license information.

Applicable Cases

By December 31, 1996, the department of licensing shall implement a PC or server-based data base of fuel dealer and distributor license application information.

[1996 c 104 § 17.]

RCW 46.01.350 Fuel tax advisory group.

Applicable Cases

By July 1, 1996, the department of licensing shall establish a fuel tax advisory group comprised of state agency and petroleum industry representatives to develop or recommend audit and investigation techniques, changes to fuel tax statutes and rules, information protocols that allow sharing of information with other states, and other tools that improve fuel tax administration or combat fuel tax evasion.

[1996 c 104 § 18.]

**Chapter 46.04 RCW
DEFINITIONS**

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"Traffic infraction, finding that has been committed" defined: RCW 46.20.270.

RCW 46.04.010 Scope and construction of terms.

Applicable Cases

Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

[1961 c 12 § 46.04.010. Prior: 1959 c 49 § 2; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.015 Alcohol concentration.

Applicable Cases

"Alcohol concentration" means (1) grams of alcohol per two hundred ten liters of a person's breath, or (2) grams of alcohol per one hundred milliliters of a person's blood.

[1995 c 332 § 17; 1994 c 275 § 1.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--1994 c 275: "This act shall be known as the "1994 Omnibus Drunk Driving Act."" [1994 c 275 § 43.]

Effective date--1994 c 275: "This act shall take effect July 1, 1994." [1994 c 275 § 46.]

RCW 46.04.020 Alley.

Applicable Cases

"Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

[1961 c 12 § 46.04.020. Prior: 1959 c 49 § 3; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.030 Arterial highway.

Applicable Cases

"Arterial highway" means every public highway, or portion thereof, designated as such by proper authority.

[1961 c 12 § 46.04.030. Prior: 1959 c 49 § 4; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.040 Authorized emergency vehicle.

Applicable Cases

"Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol.

[1987 c 330 § 701; 1961 c 12 § 46.04.040. Prior: 1959 c 49 § 5; 1953 c 40 § 1; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.04.050 Auto stage.

Applicable Cases

"Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: PROVIDED, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns.

[1961 c 12 § 46.04.050. Prior: 1959 c 49 § 6; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.060 Axle.

Applicable Cases

"Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve.

[1961 c 12 § 46.04.060. Prior: 1959 c 49 § 7; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.071 Bicycle.

Applicable Cases

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

[1982 c 55 § 4; 1965 ex.s. c 155 § 86.]

RCW 46.04.080 Business district.

Applicable Cases

"Business district" means the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

[1975 c 62 § 2; 1961 c 12 § 46.04.080. Prior: 1959 c 49 § 9; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.085 Camper.

Applicable Cases

"Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its

ceiling when fully extended, but shall not include motor homes as defined in RCW 46.04.305.

[1971 ex.s. c 231 § 2.]

Notes:

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.090 Cancel.

Applicable Cases

"Cancel," in all its forms, means invalidation indefinitely.

[1979 c 61 § 1; 1961 c 12 § 46.04.090. Prior: 1959 c 49 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.100 Center line.

Applicable Cases

"Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers.

[1975 c 62 § 3; 1961 c 12 § 46.04.100. Prior: 1959 c 49 § 11; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.110 Center of intersection.

Applicable Cases

"Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways.

[1961 c 12 § 46.04.110. Prior: 1959 c 49 § 12; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.115 Chauffeur.

Applicable Cases

"Chauffeur" means a person authorized by the department under this title to drive a limousine, and, if operating in a port district that regulates limousines under RCW 46.72A.030(2), meets the licensing requirements of that port district.

[1996 c 87 § 1.]

RCW 46.04.120 City street.

Applicable Cases

"City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys.

[1961 c 12 § 46.04.120. Prior: 1959 c 49 § 13; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.125 Collector.

Applicable Cases

"Collector" means the owner of one or more vehicles described in RCW 46.16.305(1) who collects, purchases, acquires, trades, or disposes of the vehicle or parts of it, for his or her personal use, in order to preserve, restore, and maintain the vehicle for hobby or historical purposes.

[1996 c 225 § 2.]

Notes:

Finding--1996 c 225: "The legislature finds and declares that constructive leisure pursuits by Washington citizens is most important. This act is intended to encourage responsible participation in the hobby of collecting, preserving, restoring, and maintaining motor vehicles of historic and special interest, which hobby contributes to the enjoyment of the citizens and the preservation of Washington's automotive memorabilia." [1996 c 225 § 1.]

RCW 46.04.127 Collegiate license plates.

Applicable Cases

"Collegiate license plates" means license plates that display a depiction of the name and mascot or symbol of a state university, regional university, or state college as defined in RCW 28B.10.016.

[1994 c 194 § 1.]

RCW 46.04.130 Combination of vehicles.

Applicable Cases

"Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer.

[1963 c 154 § 26; 1961 c 12 § 46.04.130. Prior: 1959 c 49 § 14; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.140 Commercial vehicle.

Applicable Cases

"Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

[1961 c 12 § 46.04.140. Prior: 1959 c 49 § 15; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.150 County road.

Applicable Cases

"County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

[1961 c 12 § 46.04.150. Prior: 1959 c 49 § 16; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.160 Crosswalk.

Applicable Cases

"Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.

[1961 c 12 § 46.04.160. Prior: 1959 c 49 § 17; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.162 Department.

Applicable Cases

The term "department" shall mean the department of licensing unless a different department is specified.

[1979 c 158 § 126; 1975 c 25 § 4. Formerly RCW 46.04.690.]

RCW 46.04.163 Director.

Applicable Cases

The term "director" shall mean the director of licensing unless the director of a different department of government is specified.

[1979 c 158 § 127; 1975 c 25 § 5. Formerly RCW 46.04.695.]

RCW 46.04.165 Driveaway-towaway operation.

Applicable Cases

"Driveaway-towaway operation" means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power.

[1963 c 154 § 27.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.167 Driver education.

Applicable Cases

Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education".

[1969 ex.s. c 218 § 12. Formerly RCW 46.04.700.]

RCW 46.04.168 Driving privilege withheld.

Applicable Cases

"Driving privilege withheld" means that the department has revoked, suspended, or denied a person's Washington state driver's license, permit to drive, driving privilege, or nonresident driving privilege.

[1999 c 6 § 2.]

Notes:

Intent--1999 c 6: "(1) This act is intended to edit some of the statutes relating to driver's licenses in order to make those statutes more comprehensible to the citizenry of the state of Washington. The legislature does not intend to make substantive changes in the meaning, interpretation, court construction, or constitutionality of any provision of chapter 46.20 RCW or other statutory provisions or rules adopted under those provisions.

(2) This act is technical in nature and does not terminate or in any way modify any rights, proceedings, or liabilities, civil or criminal, that exist on July 25, 1999." [1999 c 6 § 1.]

RCW 46.04.169 Electric-assisted bicycle.

Applicable Cases

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.

[1997 c 328 § 1.]

RCW 46.04.170 Explosives.

Applicable Cases

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

[1961 c 12 § 46.04.170. Prior: 1959 c 49 § 18; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

RCW 46.04.180 Farm tractor.

Applicable Cases

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

[1961 c 12 § 46.04.180. Prior: 1959 c 49 § 19; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.181 Farm vehicle.

Applicable Cases

"Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

[1967 c 202 § 1.]

RCW 46.04.182 Farmer.

Applicable Cases

"Farmer" means any person, firm, partnership or corporation engaged in farming. If a person, firm, partnership or corporation is engaged in activities in addition to that of farming, the definition shall only apply to that portion of the activity that is defined as farming in RCW 46.04.183.

[1969 ex.s. c 281 § 58.]

RCW 46.04.183 Farming.

Applicable Cases

"Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

[1969 ex.s. c 281 § 59.]

RCW 46.04.187 Flammable liquid.

Applicable Cases

"Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device.

[1961 c 12 § 46.04.210. Prior: 1959 c 49 § 22; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3. Formerly RCW 46.04.210.]

RCW 46.04.190 For hire vehicle.

Applicable Cases

"For hire vehicle" means any motor vehicle used for the transportation of persons for compensation, except auto stages and ride-sharing vehicles.

[1979 c 111 § 13; 1961 c 12 § 46.04.190. Prior: 1959 c 49 § 20; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

Ride sharing: Chapter 46.74 RCW.

RCW 46.04.194 Garbage truck.

Applicable Cases

"Garbage truck" means a truck specially designed and used exclusively for garbage or refuse operations.

[1983 c 68 § 1.]

RCW 46.04.197 Highway.

Applicable Cases

Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

[1965 ex.s. c 155 § 87. Formerly RCW 46.04.431.]

RCW 46.04.200 Hours of darkness.

Applicable Cases

"Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet.

[1961 c 12 § 46.04.200. Prior: 1959 c 49 § 21; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.215 Ignition interlock device--Other biological or technical device--Definitions.

Applicable Cases

"Ignition interlock device" means breath alcohol analyzing ignition equipment, certified by the state patrol, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage, and "other biological or technical device" means any device meeting the standards of the National Highway Traffic Safety Administration or the state patrol, designed to prevent the operation of a motor vehicle by a person who is impaired by alcohol or drugs. The state patrol shall by rule provide standards for the certification, installation, repair, and removal of the devices.

[1997 c 229 § 9; 1994 c 275 § 23; 1987 c 247 § 3. Formerly RCW 46.20.730.]

Notes:

Effective date--1997 c 229: See note following RCW 10.05.090.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.04.220 Intersection area.

Applicable Cases

(1) "Intersection area" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway shall not constitute an intersection.

[1975 c 62 § 4; 1961 c 12 § 46.04.220. Prior: 1959 c 49 § 23; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.240 Intersection control area.

Applicable Cases

"Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.

[1961 c 12 § 46.04.240. Prior: 1959 c 49 § 25; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.251 Kit vehicle.

Applicable Cases

"Kit vehicle" means a passenger car or light truck assembled from a manufactured kit, and is either (1) a complete kit consisting of a prefabricated body and chassis used to construct a new vehicle, or (2) a kit consisting of a prefabricated body to be mounted on an existing vehicle chassis and drive train, commonly referred to as a donor vehicle.

[1996 c 225 § 5.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.04.260 Laned highway.

Applicable Cases

"Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic.

[1961 c 12 § 46.04.260. Prior: 1959 c 49 § 27; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.270 Legal owner.

Applicable Cases

"Legal owner" means a person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest.

[1975 c 25 § 1; 1961 c 12 § 46.04.270. Prior: 1959 c 49 § 28; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part;

Rem. Supp. 1943 § 6312-1, part.]

RCW 46.04.272 Lightweight stud.

Applicable Cases

"Lightweight stud" means a stud intended for installation and use in a vehicle tire. As used in this title, this means a stud that is recommended by the manufacturer of the tire for the type and size of the tire and that:

(1) Weighs no more than 1.5 grams if the stud conforms to Tire Stud Manufacturing Institute (TSMI) stud size 14 or less;

(2) Weighs no more than 2.3 grams if the stud conforms to TSMI stud size 15 or 16; or

(3) Weighs no more than 3.0 grams if the stud conforms to TSMI stud size 17 or larger.

A lightweight stud may contain any materials necessary to achieve the lighter weight.

[1999 c 219 § 1.]

RCW 46.04.274 Limousine, etc.

Applicable Cases

"Limousine" means a category of for hire, chauffeur-driven, unmetered, unmarked luxury motor vehicles that meets one of the following definitions:

(1) "Stretch limousine" means an automobile with a seating capacity of not more than twelve passengers in the rear seating area. The wheelbase has been factory or otherwise altered beyond the original manufacturer's specifications and meets standards of the United States department of transportation. The automobile is equipped with amenities in the rear seating area not normally found in passenger cars. These amenities may include, but are not limited to a television, musical sound system, telephone, ice storage, power-operated dividers, or additional interior lighting. The term "stretch limousine" excludes trucks, auto transportation companies, excursion buses, charter buses, minibuses, vehicles regulated under chapter 81.66 RCW, taxicabs, executive sedans, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(2) "Executive sedan" means a four-door sedan automobile having a seating capacity of not more than three passengers behind the driver and a minimum wheelbase of 114.5 inches. An executive sedan is equipped with standard factory amenities, and the wheelbase may not be altered. The term "executive sedan" excludes trucks, auto transportation companies, excursion buses, minibuses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, funeral home vehicles, station wagons, executive vans, vans, minivans, and courtesy vans.

(3) "Executive van" means a van, minivan, or minibus having a seating capacity of not less than seven passengers and not more than fourteen passengers behind the driver. The term "executive van" excludes trucks, auto transportation companies, excursion buses, charter buses, vehicles regulated under chapter 81.66 RCW, taxicabs, stretch limousines, executive sedans, funeral home vehicles, station wagons, and courtesy vans.

(4) "Classic car" means a fine or distinctive, American or foreign automobile that is thirty years old or older.

[1996 c 87 § 2.]

RCW 46.04.276 Limousine carrier.

Applicable Cases

"Limousine carrier" means a person engaged in the transportation of a person or group of persons, who, under a single contract, acquires, on a prearranged basis, the use of a limousine to travel to a specified destination or for a particular itinerary. The term "prearranged basis" refers to the manner in which the carrier dispatches vehicles.

[1996 c 87 § 3.]

RCW 46.04.280 Local authorities.

Applicable Cases

"Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state.

[1961 c 12 § 46.04.280. Prior: 1959 c 49 § 29; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.290 Marked crosswalk.

Applicable Cases

"Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.

[1961 c 12 § 46.04.290. Prior: 1959 c 49 § 30; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.300 Metal tire.

Applicable Cases

"Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

[1961 c 12 § 46.04.300. Prior: 1959 c 49 § 31; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.302 Mobile home, manufactured home.

Applicable Cases

"Mobile home" or "manufactured home" means a structure, designed and constructed to be transportable in one or more sections, and is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. Manufactured home does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture

is still considered to meet this definition notwithstanding that it is no longer transportable.

[1993 c 154 § 1. Prior: 1989 c 343 § 24; 1989 c 337 § 1; 1977 ex.s. c 22 § 1; 1971 ex.s. c 231 § 4.]

Notes:

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability--1977 ex.s. c 22: "If any section or provision of this 1977 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the section or provision to other persons or circumstances is not affected." [1977 ex.s. c 22 § 10.]

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.303 Modular home.

Applicable Cases

"Modular home" means a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

[1990 c 250 § 17; 1971 ex.s. c 231 § 5.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.304 Moped.

Applicable Cases

"Moped" means a motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) that is capable of propelling the device at not more than thirty miles per hour on level ground.

The Washington state patrol may approve of and define as a "moped" a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to motorized devices which do meet these specific criteria.

[1990 c 250 § 18; 1987 c 330 § 702; 1979 ex.s. c 213 § 1.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.04.305 Motor homes.

Applicable Cases

"Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging and cooking or sewage disposal, and is enclosed within a solid body shell with the vehicle, but excludes a camper or like

unit constructed separately and affixed to a motor vehicle.

[1990 c 250 § 19; 1971 ex.s. c 231 § 3.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.04.310 Motor truck.

Applicable Cases

"Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals.

[1961 c 12 § 46.04.310. Prior: 1959 c 49 § 32; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.320 Motor vehicle.

Applicable Cases

"Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

[1961 c 12 § 46.04.320. Prior: 1959 c 49 § 33; 1955 c 384 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.330 Motorcycle.

Applicable Cases

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

[1990 c 250 § 20; 1979 ex.s. c 213 § 2; 1961 c 12 § 46.04.330. Prior: 1959 c 49 § 34; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.04.332 Motor-driven cycle.

Applicable Cases

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a

motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped.

[1979 ex.s. c 213 § 3; 1963 c 154 § 28.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.340 Muffler.

Applicable Cases

"Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom.

[1961 c 12 § 46.04.340. Prior: 1959 c 49 § 35; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.350 Multiple lane highway.

Applicable Cases

"Multiple lane highway" means any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width and whether or not such lanes are marked.

[1975 c 62 § 5; 1961 c 12 § 46.04.350. Prior: 1959 c 49 § 36; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.355 Municipal transit vehicle.

Applicable Cases

Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation within the state, and (3) is used for the purpose of carrying passengers together with incidental baggage and freight on a regular schedule.

[1984 c 167 § 2; 1974 ex.s. c 76 § 4.]

Notes:

Unlawful bus conduct: RCW 9.91.025.

RCW 46.04.360 Nonresident.

Applicable Cases

"Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state.

[1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.370 Operator or driver.

Applicable Cases

"Operator or driver" means every person who drives or is in actual physical control of a vehicle.

[1975 c 62 § 6; 1967 c 32 § 1; 1961 c 12 § 46.04.370. Prior: 1959 c 49 § 38; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.380 Owner.

Applicable Cases

"Owner" means a person who has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner.

[1975 c 25 § 2; 1961 c 12 § 46.04.380. Prior: 1959 c 49 § 39; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.381 Park or parking.

Applicable Cases

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

[1975 c 62 § 9.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.3815 Parts car.

Applicable Cases

"Parts car" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a vehicle described in RCW 46.16.305(1), thus enabling a collector to preserve, restore, and maintain such a vehicle.

[1996 c 225 § 3.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.04.382 Passenger car.

Applicable Cases

"Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

[1963 c 154 § 29.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.391 Police officer.

Applicable Cases

Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

[1965 ex.s. c 155 § 89.]

RCW 46.04.400 Pedestrian.

Applicable Cases

"Pedestrian" means any person who is afoot or who is using a wheelchair or a means of conveyance propelled by human power other than a bicycle.

[1990 c 241 § 1; 1961 c 12 § 46.04.400. Prior: 1959 c 49 § 41; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.405 Person.

Applicable Cases

"Person" includes every natural person, firm, copartnership, corporation, association, or organization.

[1961 c 12 § 46.04.405. Prior: 1959 c 49 § 42; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.408 Photograph, picture, negative.

Applicable Cases

"Photograph," along with the terms "picture" and "negative," means a pictorial representation, whether produced through photographic or other means, including, but not limited to, digital data imaging.

[1990 c 250 § 21.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.04.410 Pneumatic tires.

Applicable Cases

"Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

[1961 c 12 § 46.04.410. Prior: 1959 c 49 § 43; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.414 Pole trailer.

Applicable Cases

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

[1961 c 12 § 46.04.414. Prior: 1959 c 49 § 44; prior: 1951 c 56 § 1.]

RCW 46.04.416 Private carrier bus.

Applicable Cases

"Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission.

[1970 ex.s. c 100 § 3.]

RCW 46.04.420 Private road or driveway.

Applicable Cases

"Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

[1961 c 12 § 46.04.420. Prior: 1959 c 49 § 45; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.435 Public scale.

Applicable Cases

"Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing.

[1961 c 12 § 46.04.435. Prior: 1959 c 49 § 47.]

RCW 46.04.440 Railroad.

Applicable Cases

"Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns.

[1961 c 12 § 46.04.440. Prior: 1959 c 49 § 48; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp.

1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.450 Railroad sign or signal.

Applicable Cases

"Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

[1961 c 12 § 46.04.450. Prior: 1959 c 49 § 49; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.455 Reasonable grounds.

Applicable Cases

"Reasonable grounds," when used in the context of a law enforcement officer's decision to make an arrest, means probable cause.

[1995 c 332 § 19.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.04.460 Registered owner.

Applicable Cases

"Registered owner" means the person whose lawful right of possession of a vehicle has most recently been recorded with the department.

[1975 c 25 § 3; 1961 c 12 § 46.04.460. Prior: 1959 c 49 § 50; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

RCW 46.04.465 Rental car.

Applicable Cases

(1) "Rental car" means a passenger car, as defined in RCW 46.04.382, that is used solely by a rental car business for rental to others, without a driver provided by the rental car business, for periods of not more than thirty consecutive days.

(2) "Rental car" does not include:

(a) Vehicles rented or loaned to customers by automotive repair businesses while the customer's vehicle is under repair;

(b) Vehicles licensed and operated as taxicabs.

[1992 c 194 § 1.]

Notes:

Effective dates--1992 c 194: See note following RCW 46.04.466.

RCW 46.04.466 Rental car business.

Applicable Cases

"Rental car business" means a person engaging within this state in the business of renting rental cars, as determined under rules of the department of licensing.

[1992 c 194 § 5.]

Notes:

Effective dates--1992 c 194: "(1) Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1992.

(2) Sections 4 through 13 of this act shall take effect January 1, 1993." [1992 c 194 § 14.]

Registration of rental car businesses: RCW 46.87.023.

RCW 46.04.470 Residence district.

Applicable Cases

"Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

[1961 c 12 § 46.04.470. Prior: 1959 c 49 § 51; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.480 Revoke.

Applicable Cases

"Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue: PROVIDED, That under the provisions of RCW 46.20.285, 46.20.311, 46.20.265, or 46.61.5055, and chapter 46.65 RCW the invalidation may last for a period other than one calendar year.

[1995 c 332 § 10; 1994 c 275 § 38; 1988 c 148 § 8; 1985 c 407 § 1; 1983 c 165 § 14; 1983 c 165 § 13; 1979 c 62 § 7; 1961 c 12 § 46.04.480. Prior: 1959 c 49 § 52; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

Effective dates--1985 c 407: "Sections 2 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985. The remainder of the act shall take effect January 1, 1986." [1985 c 407 § 8.]

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Severability--1979 c 62: See note following RCW 46.65.020.

RCW 46.04.490 Road tractor.

Applicable Cases

"Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices.

[1961 c 12 § 46.04.490. Prior: 1959 c 49 § 53; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp.

1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.500 Roadway.

Applicable Cases

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles. In the event a highway includes two or more separated roadways, the term "roadway" shall refer to any such roadway separately but shall not refer to all such roadways collectively.

[1977 c 24 § 1; 1961 c 12 § 46.04.500. Prior: 1959 c 49 § 54; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.510 Safety zone.

Applicable Cases

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible.

[1961 c 12 § 46.04.510. Prior: 1959 c 49 § 55; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.521 School bus.

Applicable Cases

School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common carriers in urban transportation of school children or private carrier buses operated as school buses in the transportation of children to and from private schools or school activities.

[1995 c 141 § 1; 1965 ex.s. c 155 § 90.]

RCW 46.04.530 Semitrailer.

Applicable Cases

"Semitrailer" includes every vehicle without motive power designed to be drawn by a vehicle, motor vehicle, or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such other vehicle, motor vehicle, or truck tractor.

[1979 ex.s. c 149 § 1; 1961 c 12 § 46.04.530. Prior: 1959 c 49 § 57; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.540 Sidewalk.

Applicable Cases

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of

private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

[1961 c 12 § 46.04.540. Prior: 1959 c 49 § 58; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.550 Solid tire.

Applicable Cases

"Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

[1961 c 12 § 46.04.550. Prior: 1959 c 49 § 59; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.552 Special mobile equipment.

Applicable Cases

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

[1973 1st ex.s. c 17 § 1; 1972 ex.s. c 5 § 1; 1963 c 154 § 30.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.04.555 Stand or standing.

Applicable Cases

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

[1975 c 62 § 10.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.560 State highway.

Applicable Cases

"State highway" includes every highway or part thereof, which has been designated as a state highway or branch thereof, by legislative enactment.

[1975 c 62 § 7; 1961 c 12 § 46.04.560. Prior: 1959 c 49 § 60; prior: 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.565 Stop.

Applicable Cases

"Stop" when required means complete cessation from movement.

[1975 c 62 § 11.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.566 Stop or stopping.

Applicable Cases

"Stop or stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

[1975 c 62 § 12.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.570 Street car.

Applicable Cases

"Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within cities and towns.

[1961 c 12 § 46.04.570. Prior: 1959 c 49 § 61; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.571 Street rod vehicle.

Applicable Cases

"Street rod vehicle" is a motor vehicle, other than a motorcycle, that meets the following conditions:

(1)(a) The vehicle was manufactured before 1949, (b) the vehicle has been assembled or reconstructed using major component parts of a motor vehicle manufactured before 1949, or (c) the vehicle was assembled or manufactured after 1949, to resemble a vehicle manufactured before 1949; and

(2)(a) The vehicle has been modified in its body style or design through the use of nonoriginal or reproduction components, such as frame, engine, drive train, suspension, or brakes in a manner that does not adversely affect its safe performance as a motor vehicle or render it unlawful for highway use, or (b) the body has been constructed from nonoriginal materials or has

been altered dimensionally or in shape and appearance from the original manufactured body.

[1999 c 58 § 1; 1996 c 225 § 4.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.04.580 Suspend.

Applicable Cases

"Suspend," in all its forms and unless a different period is specified, means invalidation for any period less than one calendar year and thereafter until reinstatement.

[1994 c 275 § 28; 1990 c 250 § 22; 1961 c 12 § 46.04.580. Prior: 1959 c 49 § 62; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.04.582 Tandem axle.

Applicable Cases

"Tandem axle" means any two or more consecutive axles whose centers are less than seven feet apart.

[1988 c 6 § 1; 1979 ex.s. c 149 § 2.]

RCW 46.04.585 Temporarily sojourning.

Applicable Cases

"Temporarily sojourning," as the term is used in chapter 46.04 RCW, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year.

[1961 c 12 § 46.04.585. Prior: 1959 c 49 § 63; prior: 1955 c 89 § 6.]

RCW 46.04.590 Traffic.

Applicable Cases

"Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel.

[1961 c 12 § 46.04.590. Prior: 1959 c 49 § 64; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.600 Traffic control signal.

Applicable Cases

"Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

[1961 c 12 § 46.04.600. Prior: 1959 c 49 § 65; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.611 Traffic-control devices.

Applicable Cases

Official traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

[1965 ex.s. c 155 § 88.]

RCW 46.04.620 Trailer.

Applicable Cases

"Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof.

[1974 ex.s. c 76 § 3; 1961 c 12 § 46.04.620. Prior: 1959 c 49 § 67; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

RCW 46.04.622 Park trailer.

Applicable Cases

"Park trailer" or "park model trailer" means a travel trailer designed to be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. The trailer's gross area shall not exceed four hundred square feet when in the setup mode. "Park trailer" excludes a mobile home.

[1989 c 337 § 2.]

RCW 46.04.623 Travel trailer.

Applicable Cases

"Travel trailer" means a trailer built on a single chassis transportable upon the public streets and highways that is designed to be used as a temporary dwelling without a permanent foundation and may be used without being connected to utilities.

[1989 c 337 § 3.]

RCW 46.04.630 Train.

Applicable Cases

"Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

[1961 c 12 § 46.04.630. Prior: 1959 c 49 § 68; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.640 Trolley vehicle.

Applicable Cases

"Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact.

[1961 c 12 § 46.04.640. Prior: 1959 c 49 § 69; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.650 Tractor.

Applicable Cases

"Tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

[1986 c 18 § 1; 1975 c 62 § 8; 1961 c 12 § 46.04.650. Prior: 1959 c 49 § 70; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.653 Truck.

Applicable Cases

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

[1986 c 18 § 2.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.04.655 Truck tractor.

Applicable Cases

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to permit carrying a load in addition to part of the weight of the vehicle and load so drawn.

[1986 c 18 § 3.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.04.660 Used vehicle.

Applicable Cases

"Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first

importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

[1961 c 12 § 46.04.660. Prior: 1959 c 49 § 71; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

RCW 46.04.670 Vehicle.

Applicable Cases

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW.

[1994 c 262 § 2; 1991 c 214 § 2; 1979 ex.s. c 213 § 4; 1961 c 12 § 46.04.670. Prior: 1959 c 49 § 72; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Notes:

Mopeds

helmet required: RCW 46.37.530, 46.37.535.

motorcycle endorsement, exemption: RCW 46.20.500.

operation and safety standards: RCW 46.61.710, 46.61.720.

registration: RCW 46.16.630.

RCW 46.04.672 Vehicle or pedestrian right of way.

Applicable Cases

"Vehicle or pedestrian right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

[1975 c 62 § 13.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.04.710 Wheelchair conveyance.

Applicable Cases

"Wheelchair conveyance" means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the state patrol. The state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these

specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

[1987 c 330 § 703; 1983 c 200 § 1.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 200: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 200 § 7.]

Wheelchair conveyances

licensing: RCW 46.16.640.

operator's license: RCW 46.20.109.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

Chapter 46.08 RCW GENERAL PROVISIONS

RCW

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46.08.172	Parking rental fees--Establishment.
46.08.190	Jurisdiction of judges of district, municipal, and superior court.

Notes:

Extension of licensing period authorized--Rules and regulations, manner and content: RCW 43.24.140.

RCW 46.08.010 State preempts licensing field.

Applicable Cases

The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose except as provided in RCW 82.80.020, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

[1990 c 42 § 207; 1961 c 12 § 46.08.010. Prior: 1937 c 188 § 75; RRS § 6312-75.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.08.020 Precedence over local vehicle and traffic regulations.

Applicable Cases

The provisions of this title relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this title except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this title are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title.

[1961 c 12 § 46.08.020. Prior: 1937 c 189 § 2; RRS § 6360-2.]

RCW 46.08.030 Uniformity of application.

Applicable Cases

The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided.

[1961 c 12 § 46.08.030. Prior: 1937 c 189 § 3; RRS § 6360-3.]

RCW 46.08.065 Publicly owned vehicles to be marked--Exceptions.

Applicable Cases

(1) It is unlawful for any public officer having charge of any vehicle owned or controlled by any county, city, town, or public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be displayed upon such automobile or other motor vehicle in letters of contrasting color not less than one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used. This section shall not apply to vehicles of a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or confidential investigative purposes. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation; (b) any vehicle governed by the requirements of subsection (4) of this section; nor to (c) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use a distinctive insignia which shall be not less than six inches in diameter across its smallest dimension and

which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for marking of passenger motor vehicles as prescribed in subsection (2) of this section or for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsection (3) of this section.

(2) Except as provided by subsections (3) and (4) of this section, passenger motor vehicles owned or controlled by the state of Washington, and purchased after July 1, 1989, must be plainly and conspicuously marked on the lower left-hand corner of the rear window with the name of the operating agency or institution or the words "state motor pool," as appropriate, the words "state of Washington -- for official use only," and the seal of the state of Washington or the appropriate agency or institution insignia, approved by the department of general administration. Markings must be on a transparent adhesive material and conform to the standards established by the department of general administration. For the purposes of this section, "passenger motor vehicles" means sedans, station wagons, vans, light trucks, or other motor vehicles under ten thousand pounds gross vehicle weight.

(3) Subsection (2) of this section shall not apply to vehicles used by the Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsection (2) of this section at the discretion of the chief of the Washington state patrol. The department of general administration shall adopt general rules permitting other exceptions to the requirements of subsection (2) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in RCW 46.08.066(3). The exceptions in this subsection, subsection (4) of this section, and those provided for in RCW 46.08.066(3) shall be the only exceptions permitted to the requirements of subsection (2) of this section.

(4) Any motorcycle, vehicle over 10,000 pounds gross vehicle weight, or other vehicle that for structural reasons cannot be marked as required by subsection (1) or (2) of this section that is owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office that owns or controls the vehicle.

(5) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

[1998 c 111 § 4; 1989 c 57 § 9; 1975 1st ex.s. c 169 § 1; 1961 c 12 § 46.08.065. Prior: 1937 c 189 § 46; RRS § 6360-46. Formerly RCW 46.36.140.]

Notes:

Effective date--1989 c 57: See note following RCW 43.19.605.

RCW 46.08.066 Publicly owned vehicles--Confidential license plates--Issuance, rules governing.

Applicable Cases

(1) Except as provided in subsection (3) of this section, the department of licensing is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of licensing may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies.

[1986 c 158 § 20; 1982 c 163 § 14; 1979 c 158 § 128; 1975 1st ex.s. c 169 § 2.]

Notes:

Severability--Effective date--1982 c 163: See notes following RCW 2.10.052.

RCW 46.08.067 Publicly owned vehicles--Violations concerning marking and confidential license plates.

Applicable Cases

A violation of any provision of RCW 46.08.065 as now or hereafter amended or of RCW 46.08.066 shall subject the public officer or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay or termination of employment in the case of repeated or continuing noncompliance.

[1975 1st ex.s. c 169 § 3.]

RCW 46.08.068 Publicly owned vehicles--Remarking not required, when.

Applicable Cases

Any vehicle properly marked pursuant to statutory requirements in effect prior to September 8, 1975, need not be remarked to conform to the requirements of RCW 46.08.065 through 46.08.067 until July 1, 1977.

[1975 1st ex.s. c 169 § 4.]

RCW 46.08.070 Nonresidents, application to.

Applicable Cases

Subject to a compliance with the motor vehicle laws of the state and acceptance of the provisions of this title, nonresident owners and operators of vehicles hereby are granted the privilege of using the public highways of this state, and use of such public highways shall be deemed and construed to be an acceptance by such nonresident owners and operators of the provisions of this title.

[1961 c 12 § 46.08.070. Prior: 1937 c 189 § 128; RRS § 6360-128.]

RCW 46.08.150 Control of traffic on capitol grounds.

Applicable Cases

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for physically disabled persons shall be the same as provided in RCW 46.16.381. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

[1995 c 384 § 2; 1961 c 12 § 46.08.150. Prior: 1955 c 285 § 21; 1947 c 11 § 1; Rem. Supp. 1947 § 7921-20.]

RCW 46.08.160 Control of traffic on capitol grounds--Enforcing officer.

Applicable Cases

The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations.

[1961 c 12 § 46.08.160. Prior: 1947 c 11 § 2; Rem. Supp. 1947 § 7921-21.]

RCW 46.08.170 Control of traffic on capitol grounds--Violations, traffic infractions, misdemeanors--Jurisdiction.

Applicable Cases

Any violation of a rule or regulation prescribed under RCW 46.08.150 is a traffic infraction, and the district courts of Thurston county shall have jurisdiction over such offenses: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or

regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

[1987 c 202 § 213; 1979 ex.s. c 136 § 40; 1963 c 158 § 2; 1961 c 12 § 46.08.170. Prior: 1947 c 11 § 3; Rem. Supp. 1947 § 7921-22.]

Notes:

Intent--1987 c 202: See note following RCW 2.04.190.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.08.172 Parking rental fees--Establishment.

Applicable Cases

The director of the department of general administration shall establish equitable and consistent parking rental fees for the capitol campus and may, if requested by agencies, establish equitable and consistent parking rental fees for agencies off the capitol campus, to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking or to meet the commute trip reduction goals established in RCW 70.94.527. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. However, parking rental fees are not to exceed the local market rate of comparable privately owned rental parking.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

[1995 c 215 § 4; 1993 c 394 § 4. Prior: 1991 sp.s. c 31 § 12; 1991 sp.s. c 13 § 41; 1988 ex.s. c 2 § 901; 1985 c 57 § 59; 1984 c 258 § 323; 1963 c 158 § 1.]

Notes:

Finding--Purpose--1993 c 394: See note following RCW 43.01.220.

Severability--1991 sp.s. c 31: See RCW 43.991.900.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Fee deposition: RCW 43.01.225.

RCW 46.08.190 Jurisdiction of judges of district, municipal, and superior court.

Applicable Cases

Every district and municipal court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title, except the trial of felony charges on the merits, and may impose any punishment provided therefor.

[1995 c 136 § 1; 1984 c 258 § 136; 1961 c 12 § 46.08.190. Prior: 1955 c 393 § 4.]

Notes:

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Application--1984 c 258 §§ 101-139: See note following RCW 3.50.005.

Chapter 46.09 RCW
OFF-ROAD AND NONHIGHWAY VEHICLES

RCW

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RCW 46.09.010 Application of chapter--Permission necessary to enter upon private lands.

Applicable Cases

The provisions of this chapter shall apply to all lands in this state. Nothing in chapter 43.09 RCW, *RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

[1972 ex.s. c 153 § 2; 1971 ex.s. c 47 § 6.]

Notes:

Reviser's note: *(1) RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130, and 67.32.140 were recodified as RCW 79A.35.040, 79A.35.070, 79A.35.090, 79A.35.110, and 79A.35.120, respectively, pursuant to 1999 c 249 § 1601.

(2) Throughout chapter 46.09 RCW, with the exception of RCW 46.09.010 and 46.09.900, the phrase "this 1971 amendatory act" has been changed to "this chapter." This 1971 amendatory act [1971 ex.s. c 47] consisted of

the enactment of chapter 46.09 RCW and RCW 67.32.130 and 67.32.140 and the amendment of RCW 67.32.050, 67.32.080, and 67.32.100.

Purpose--1972 ex.s. c 153: See RCW 67.32.080.

RCW 46.09.020 Definitions.

Applicable Cases

As used in this chapter the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" means any individual, firm, partnership, association, or corporation.

"Nonhighway vehicle" means any motorized vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles include but are not limited to, off-road vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

- (1) Any vehicle designed primarily for travel on, over, or in the water;
- (2) Snowmobiles or any military vehicles; or
- (3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

"ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

"ORV trail" means a multiple-use corridor designated and maintained for recreational travel by off-road vehicles that is not normally suitable for travel by conventional two-wheel drive vehicles and is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel.

"ORV use area" means the entire area of a parcel of land except for camping and approved buffer areas that is posted or designated for ORV use in accordance with rules adopted by the managing authority.

"ORV recreation facility" includes ORV trails and ORV use areas.

"Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

"Department" means the department of licensing.

"Hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" means any road owned or managed by a public agency, or any private road for which the owner has granted a permanent easement for public use of the road, other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and that is not built or maintained with appropriations from the motor vehicle fund.

"Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every way publicly maintained by the state department of transportation or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

[1986 c 206 § 1; 1979 c 158 § 129; 1977 ex.s. c 220 § 1; 1972 ex.s. c 153 § 3; 1971 ex.s. c 47 § 7.]

Notes:

Effective date--1986 c 206: "This act shall take effect on June 30, 1986." [1986 c 206 § 17.]

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.030 Use permits--Issuance--Fees.

Applicable Cases

The department shall provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees.

[1990 c 250 § 23; 1986 c 206 § 2; 1977 ex.s. c 220 § 2; 1972 ex.s. c 153 § 4; 1971 ex.s. c 47 § 8.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.040 Use permit prerequisite to operation.

Applicable Cases

Except as provided in this chapter, no person shall operate any off-road vehicle within this state after January 1, 1978, unless the off-road vehicle has been assigned an ORV use permit and displays a current ORV tag in accordance with the provisions of this chapter: PROVIDED, That registration and display of an unexpired ATV use permit shall be deemed to have complied with this section.

[1977 ex.s. c 220 § 3; 1972 ex.s. c 153 § 5; 1971 ex.s. c 47 § 9.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.050 Vehicles exempted from ORV use permits and tags.

Applicable Cases

ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An off-road vehicle operating in an organized competitive event on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.

(4) Off-road vehicles operated on lands owned or leased by the ORV owner or operator or on lands which the operator has permission to operate without an ORV use permit.

(5) Off-road vehicles owned by a resident of another state that have a valid ORV permit or vehicle license issued in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state.

(6) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(7) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.

(8) Vehicles which are licensed pursuant to chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

[1986 c 206 § 3; 1977 ex.s. c 220 § 4; 1972 ex.s. c 153 § 6; 1971 ex.s. c 47 § 10.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.070 Application for ORV use permit.

Applicable Cases

(1) Application for annual or temporary ORV use permits shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe and shall state the name and address of each owner of the off-road vehicle.

(2) An application for an annual permit shall be signed by at least one owner, and shall be

accompanied by a fee of five dollars. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner prescribed by the department. The annual permit is valid for a period of one year and is renewable each year in such manner as the department may prescribe for an additional period of one year upon payment of a renewal fee of five dollars.

Any person acquiring an off-road vehicle for which an annual permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

(3) A temporary use permit is valid for sixty days. Application for a temporary permit shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in the state.

(4) Except as provided in RCW 46.09.050, any out-of-state operator of an off-road vehicle shall, when operating in this state, comply with this chapter, and if an ORV use permit is required under this chapter, the operator shall obtain an annual or temporary permit and tag.

[1997 c 241 § 1; 1986 c 206 § 4; 1977 ex.s. c 220 § 6; 1972 ex.s. c 153 § 8; 1971 ex.s. c 47 § 12.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.080 ORV dealers--Permits--Fees--Number plates--Title application--Violations.

Applicable Cases

(1) Each dealer of off-road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW shall obtain an ORV dealer permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of an application for an ORV dealer permit and the fee under subsection (2) of this section, the dealer shall be registered and an ORV dealer permit number assigned.

(2) The fee for ORV dealer permits shall be twenty-five dollars per year, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(3) Upon the issuance of an ORV dealer permit each dealer may purchase, at a cost to be determined by the department, ORV dealer number plates of a size and color to be determined by the department, that contain the dealer ORV permit number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed by the department.

(4) No dealer, dealer representative, or prospective customer shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ORV dealer permit numbers shall be nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test

or demonstrate any off-road vehicle within the state unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with this section.

(7) When an ORV is sold by a dealer, the dealer shall apply for title in the purchaser's name within fifteen days following the sale.

[1990 c 250 § 24; 1986 c 206 § 5; 1977 ex.s. c 220 § 7; 1972 ex.s. c 153 § 9; 1971 ex.s. c 47 § 13.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1986 c 206: See note following RCW 46.09.020.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.110 Disposition of ORV moneys.

Applicable Cases

The moneys collected by the department under this chapter shall be distributed from time to time but at least once a year in the following manner:

The department shall retain enough money to cover expenses incurred in the administration of this chapter: PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

The remaining moneys shall be distributed by the interagency committee for outdoor recreation in accordance with RCW 46.09.170(1)(d).

[1986 c 206 § 6; 1985 c 57 § 60; 1977 ex.s. c 220 § 9; 1972 ex.s. c 153 § 11; 1971 ex.s. c 47 § 16.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

Effective date--1985 c 57: See note following RCW 18.04.105.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.120 Operating violations.

Applicable Cases

(1) It is a traffic infraction for any person to operate any nonhighway vehicle:

(a) In such a manner as to endanger the property of another;

(b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(d) Without a spark arrester approved by the department of natural resources;

(e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J

331a when measured:

- (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
- (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and
- (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;
- (f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;
- (g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;
- (h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel; and
- (i) On any public lands in violation of rules and regulations of the agency administering such lands.

(2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance.

[1979 ex.s. c 136 § 41; 1977 ex.s. c 220 § 10; 1972 ex.s. c 153 § 12; 1971 ex.s. c 47 § 17.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.130 Additional violations--Penalty.

Applicable Cases

No person may operate a nonhighway vehicle in such a way as to endanger human life. No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

Violation of this section is a gross misdemeanor.

[1994 c 264 § 35; 1989 c 297 § 3; 1986 c 206 § 7; 1977 ex.s. c 220 § 11; 1971 ex.s. c 47 § 18.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.140 Accident reports.

Applicable Cases

The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted.

[1990 c 250 § 25; 1977 ex.s. c 220 § 12; 1971 ex.s. c 47 § 19.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.09.150 Motor vehicle fuel excise taxes on fuel for nonhighway vehicles not refundable.

Applicable Cases

Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for nonhighway vehicles shall not be refundable in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

[1977 ex.s. c 220 § 13; 1974 ex.s. c 144 § 1; 1972 ex.s. c 153 § 13; 1971 ex.s. c 47 § 20.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.165 Nonhighway and off-road vehicle activities program account.

Applicable Cases

The nonhighway and off-road vehicle activities program account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The interagency committee for outdoor recreation shall administer the account for purposes specified in this chapter and shall hold it separate and apart from all other money, funds, and accounts of the interagency committee for outdoor recreation. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and any moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account.

[1995 c 166 § 11.]

RCW 46.09.170 Refunds from motor vehicle fund--Distribution--Use.

Applicable Cases

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds

and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend

more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

[1995 c 166 § 9; 1994 c 264 § 36; 1990 c 42 § 115; 1988 c 36 § 25; 1986 c 206 § 8; 1979 c 158 § 130; 1977 ex.s. c 220 § 14; 1975 1st ex.s. c 34 § 1; 1974 ex.s. c 144 § 3; 1972 ex.s. c 153 § 15; 1971 ex.s. c 47 § 22.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 206: See note following RCW 46.09.020.

Effective date--1975 1st ex.s. c 34: "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 34 § 4.]

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.180 Regulation by local political subdivisions or state agencies.

Applicable Cases

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter.

[1977 ex.s. c 220 § 15; 1971 ex.s. c 47 § 23.]

RCW 46.09.190 General penalty--Civil liability.

Applicable Cases

(1) Except as provided in RCW 46.09.120(2) and 46.09.130 as now or hereafter amended, violation of the provisions of this chapter is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

[1979 ex.s. c 136 § 42; 1977 ex.s. c 220 § 16; 1972 ex.s. c 153 § 16; 1971 ex.s. c 47 § 24.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.200 Enforcement.

Applicable Cases

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol,

county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state wildlife agents and deputy wildlife agents, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.035, and 76.04.045.

[1986 c 100 § 52; 1971 ex.s. c 47 § 25.]

RCW 46.09.240 Administration and distribution of ORV moneys.

Applicable Cases

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, nonprofit ORV organizations, and Indian tribes. Funds distributed under this section to nonprofit ORV organizations may be spent only on projects or activities that benefit ORV recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

[1998 c 144 § 1; 1991 c 363 § 122; 1986 c 206 § 9; 1977 ex.s. c 220 § 17.]

Notes:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.250 State-wide plan.

Applicable Cases

The interagency committee for outdoor recreation shall maintain a state-wide plan which shall be updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of funds under this chapter.

[1986 c 206 § 11; 1977 ex.s. c 220 § 18.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.280 Committee to advise on administration of chapter.

Applicable Cases

The interagency committee for outdoor recreation shall establish a committee of nonhighway road recreationists, including representatives of organized ORV groups, to provide advice regarding the administration of this chapter. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110.

[1986 c 206 § 13.]

Notes:

Effective date--1986 c 206: See note following RCW 46.09.020.

RCW 46.09.900 Severability--1971 ex.s. c 47.

Applicable Cases

If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 47 § 26.]

Chapter 46.10 RCW SNOWMOBILES

RCW

46.10.010	Definitions.
46.10.020	Ownership, transport, or operation of snowmobile without registration prohibited.
46.10.030	Ownership or operation of snowmobile without registration prohibited--Exceptions.
46.10.040	Application for registration--Annual fee--Registration number--Term--Renewal--Transfer--Nonresident permit--Decals.
46.10.043	Registration or transfer of registration pursuant to sale by dealer--Temporary registration.
46.10.050	Snowmobile dealers' registration--Fee--Dealer number plates, use--Sale or demonstration unlawful without registration.

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46.10.910	Short title.

Notes:

*Rules of court: Monetary penalty schedule--IRLJ 6.2.
Emergency medical services fee: RCW 46.12.042.*

RCW 46.10.010 Definitions.

Applicable Cases

As used in this chapter the words and phrases in this section shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated.

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any

vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of licensing.

(10) "Director" shall mean the director of the department of licensing.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

(13) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

[1979 ex.s. c 182 § 1; 1979 c 158 § 131; 1971 ex.s. c 29 § 1.]

RCW 46.10.020 Ownership, transport, or operation of snowmobile without registration prohibited.

Applicable Cases

(1) Except as provided in this chapter, no person shall own, transport, or operate any snowmobile within this state unless such snowmobile has been registered in accordance with the provisions of this chapter.

(2) A registration number shall be assigned, without payment of a fee, to snowmobiles owned by the state of Washington or its political subdivisions, and the assigned registration number shall be displayed upon each snowmobile in such manner as provided by rules adopted by the department.

[1982 c 17 § 1; 1979 ex.s. c 182 § 3; 1971 ex.s. c 29 § 2.]

RCW 46.10.030 Ownership or operation of snowmobile without registration prohibited--Exceptions.

Applicable Cases

No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political

subdivision thereof.

(2) A snowmobile owned by a resident of another state or Canadian province if that snowmobile is registered in accordance with the laws of the state or province in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state or province and which is physically located in this state for a period of more than fifteen consecutive days shall be subject to registration under the provisions of this chapter.

[1986 c 16 § 1; 1979 ex.s. c 182 § 4; 1975 1st ex.s. c 181 § 1; 1971 ex.s. c 29 § 3.]

RCW 46.10.040 Application for registration--Annual fee--Registration number--Term--Renewal--Transfer--Nonresident permit--Decals.

Applicable Cases

Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee to be established by the commission, after consultation with the committee and any state-wide snowmobile user groups. The fee shall be fifteen dollars pending action by the commission to increase the fee. The commission shall increase the fee by two dollars and fifty cents effective September 30, 1996, and the commission shall increase the fee by another two dollars and fifty cents effective September 30, 1997. After the fee increase effective September 30, 1997, the commission shall not increase the fee. Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee as determined by the commission.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other

registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.

[1997 c 241 § 2; 1996 c 164 § 1; 1986 c 16 § 2; 1982 c 17 § 2; 1979 ex.s. c 182 § 5; 1973 1st ex.s. c 128 § 1; 1972 ex.s. c 153 § 20; 1971 ex.s. c 29 § 4.]

Notes:

Purpose--Policy statement as to certain state lands--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.043 Registration or transfer of registration pursuant to sale by dealer--Temporary registration.

Applicable Cases

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

All registrations for snowmobiles must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer. Upon the sale of a snowmobile by a dealer, the dealer may issue a temporary registration as provided by rules adopted by the department.

[1982 c 17 § 3; 1979 ex.s. c 182 § 6; 1975 1st ex.s. c 181 § 4.]

RCW 46.10.050 Snowmobile dealers' registration--Fee--Dealer number plates, use--Sale or demonstration unlawful without registration.

Applicable Cases

(1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles offered by a dealer for sale and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer may purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a

dealer, dealer representative, or prospective customer for the purposes of demonstration or testing shall display such number plates in a clearly visible manner.

(4) No person other than a dealer, dealer representative, or prospective customer shall display a dealer number plate, and no dealer, dealer representative, or prospective customer shall use a dealer's number plate for any purpose other than the purposes described in subsection (3) of this section.

(5) Dealer registration numbers are nontransferable.

(6) It is unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

[1990 c 250 § 26; 1982 c 17 § 5; 1971 ex.s. c 29 § 5.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.10.055 Denial, suspension, or revocation of dealer registration or assessment of monetary civil penalty, when.

Applicable Cases

The director may by order deny, suspend, or revoke the registration of any snowmobile dealer or, in lieu thereof or in addition thereto, may by order assess monetary civil penalties not to exceed five hundred dollars per violation, if the director finds that the order is in the public interest and that the applicant or registrant, or any partner, officer, director, or owner of ten percent of the assets of the firm, or any employee or agent:

(1) Has failed to comply with the applicable provisions of this chapter or any rules adopted under this chapter; or

(2) Has failed to pay any monetary civil penalty assessed by the director under this section within ten days after the assessment becomes final.

[1982 c 17 § 4.]

RCW 46.10.060 Registration number permanent--Certificate of registration, date tags.

Applicable Cases

The registration number assigned to a snowmobile in this state at the time of its original registration shall remain with that snowmobile until the vehicle is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department. The department shall, upon assignment of such registration number, issue and deliver to the owner a certificate of registration, in such form as the department shall prescribe. The certificate of registration shall not be valid unless signed by the person who signed the application for registration.

At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date, tag, or tags shall be affixed to the snowmobile in such manner as the department may prescribe. Notwithstanding the

fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued.

[1971 ex.s. c 29 § 6.]

RCW 46.10.070 Affixing and displaying registration number.

Applicable Cases

The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon each snowmobile in such manner as provided by rules adopted by the department, and shall be maintained in a legible condition; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed.

[1973 1st ex.s. c 128 § 2; 1972 ex.s. c 153 § 21; 1971 ex.s. c 29 § 7.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.075 Snowmobile account--Deposits--Appropriations, use.

Applicable Cases

There is created a snowmobile account within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

[1991 sp.s. c 13 § 9; 1985 c 57 § 61; 1982 c 17 § 6; 1979 ex.s. c 182 § 7.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 46.10.080 Distribution of snowmobile registration fees, civil penalties, and fuel tax moneys.

Applicable Cases

The moneys collected by the department as snowmobile registration fees, monetary civil penalties from snowmobile dealers, and fuel tax moneys placed in the snowmobile account shall be distributed in the following manner:

(1) Actual expenses not to exceed three percent for each year shall be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions of this chapter.

(2) The remainder of such funds each year shall be remitted to the state treasurer to be deposited in the snowmobile account of the general fund and shall be appropriated only to the commission to be expended for snowmobile purposes. Such purposes may include but not

necessarily be limited to the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs.

(3) Nothing in this section is intended to discourage any public agency in this state from developing and implementing snowmobile programs. The commission is authorized to make grants to public agencies and to contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, provided that the programs are not inconsistent with the rules adopted by the commission.

[1982 c 17 § 7; 1979 ex.s. c 182 § 8; 1975 1st ex.s. c 181 § 2; 1973 1st ex.s. c 128 § 3; 1972 ex.s. c 153 § 22; 1971 ex.s. c 29 § 8.]

Notes:

Purpose--Including policy statement as to certain state lands--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.090 Operating violations.

Applicable Cases

- (1) It is a traffic infraction for any person to operate any snowmobile:
 - (a) At a rate of speed greater than reasonable and prudent under the existing conditions.
 - (b) In a manner so as to endanger the property of another.
 - (c) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.
 - (d) Without an adequate braking device which may be operated either by hand or foot.
 - (e) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, (i) on snowmobiles manufactured on or before January 4, 1973, which shall effectively limit such noise at a level of eighty-six decibels, or below, on the "A" scale at fifty feet, and (ii) on snowmobiles manufactured after January 4, 1973, which shall effectively limit such noise at a level of eighty-two decibels, or below, on the "A" scale at fifty feet, and (iii) on snowmobiles manufactured after January 1, 1975, which shall effectively limit such noise at a level of seventy-eight decibels, or below, as measured on the "A" scale at a distance of fifty feet, under testing procedures as established by the department of ecology; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device. This section shall not affect the power of the department of ecology to adopt noise performance standards for snowmobiles. Noise performance standards adopted or to be adopted by the department of ecology shall be in addition to the standards contained in this section, but the department's standards shall supersede this section to the extent of any inconsistency.
 - (f) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.
 - (g) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.
 - (h) Without a current registration decal affixed thereon, if not exempted under RCW

46.10.030 as now or hereafter amended.

(2) It is a misdemeanor for any person to operate any snowmobile so as to endanger the person of another or while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

[1980 c 148 § 1. Prior: 1979 ex.s. c 182 § 10; 1979 ex.s. c 136 § 43; 1975 1st ex.s. c 181 § 5; 1971 ex.s. c 29 § 9.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1980 c 148: "Sections 1 through 7 of this 1980 act shall take effect January 1, 1981. Section 8 of this 1980 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately." [1980 c 148 § 9.]

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.10.100 Crossing public roadways and highways lawful, when.

Applicable Cases

It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection.

[1971 ex.s. c 29 § 10.]

RCW 46.10.110 Operating upon public road or highway lawful, when.

Applicable Cases

Notwithstanding the provisions of RCW 46.10.100, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed by the responsible governing body to motor vehicle traffic during the winter months; or

When the responsible governing body gives notice that such roadway or highway is open to snowmobiles or all-terrain vehicle use; or

In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or

When traveling along a designated snowmobile trail.

[1972 ex.s. c 153 § 23; 1971 ex.s. c 29 § 11.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.120 Restrictions on age of operators--Qualifications.

Applicable Cases

No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and sixteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification: PROVIDED, That persons under sixteen years of age who have not been certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator.

[1972 ex.s. c 153 § 24; 1971 ex.s. c 29 § 12.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.130 Additional violations--Penalty.

Applicable Cases

No person shall operate a snowmobile in such a way as to endanger human life. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any wildlife, or any domestic animal, nor shall any person carry any loaded weapon upon, nor hunt from, any snowmobile except by permit issued by the director of fish and wildlife under RCW 77.32.237. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

[1994 c 264 § 37; 1989 c 297 § 4; 1979 ex.s. c 182 § 11; 1971 ex.s. c 29 § 13.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.10.140 Accident reports.

Applicable Cases

The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage to an apparent extent equal to or greater than the minimum amount established by rule adopted by the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, if the operator of the snowmobile is unknown, shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted.

[1990 c 250 § 27; 1971 ex.s. c 29 § 14.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.10.150 Refund of snowmobile fuel tax to snowmobile account.

Applicable Cases

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts determined under RCW 46.10.170, and place them in the snowmobile account in the general fund.

[1994 c 262 § 3; 1979 ex.s. c 182 § 12; 1975 1st ex.s. c 181 § 3; 1973 1st ex.s. c 128 § 4; 1971 ex.s. c 29 § 15.]

RCW 46.10.160 Snowmobile fuel excise tax nonrefundable.

Applicable Cases

Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel, but persons so purchasing and using motor vehicle fuel shall not be entitled to a refund of the motor vehicle fuel excise tax paid in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

[1971 ex.s. c 29 § 16.]

RCW 46.10.170 Amount of snowmobile fuel tax paid as motor vehicle fuel tax.

Applicable Cases

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, 1990.

[1994 c 262 § 4; 1993 c 54 § 7; 1990 c 42 § 117; 1979 ex.s. c 182 § 13; 1971 ex.s. c 29 § 17.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.10.180 Regulation by political subdivisions, state agencies.

Applicable Cases

Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of snowmobiles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not inconsistent with the provisions of this chapter; and provided further that no such city, county, or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance which imposes a special fee for the use of public lands or waters by snowmobiles, or for the use of any access thereto which is owned by or under the jurisdiction of either the United States, this state, or any such city, county, or other political subdivision.

[1971 ex.s. c 29 § 18.]

RCW 46.10.185 Local authorities may provide for safety and convenience.

Applicable Cases

Notwithstanding any other provisions of this chapter, the local governing body may provide for the safety and convenience of snowmobiles and snowmobile operators. Such provisions may include, but shall not necessarily be limited to, the clearing of areas for parking automobiles, the construction and maintenance of rest areas, and the designation and development of given areas for snowmobile use.

[1972 ex.s. c 153 § 25.]

Notes:

Purpose--1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.10.190 Violations as traffic infractions--Exceptions--Civil liability.

Applicable Cases

(1) Except as provided in RCW 46.10.090(2), 46.10.055, and 46.10.130, any violation of the provisions of this chapter is a traffic infraction: PROVIDED, That the penalty for failing to display a valid registration decal under RCW 46.10.090 as now or hereafter amended shall be a fine of forty dollars and such fine shall be remitted to the general fund of the governmental unit, which personnel issued the citation, for expenditure solely for snowmobile law enforcement.

(2) In addition to the penalties provided in RCW 46.10.090 and subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

[1982 c 17 § 8; 1980 c 148 § 2. Prior: 1979 ex.s. c 182 § 14; 1979 ex.s. c 136 § 44; 1975 1st ex.s. c 181 § 6; 1971 ex.s. c 29 § 19.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--1980 c 148: See note following RCW 46.10.090.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.10.200 Enforcement.

Applicable Cases

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, wildlife agents, state park rangers, state fisheries patrol officers, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

[1980 c 78 § 131; 1971 ex.s. c 29 § 20.]

Notes:

Effective date--Intent, construction--Savings--Severability--1980 c 78: See notes following RCW 77.04.010.

RCW 46.10.210 Administration.

Applicable Cases

With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. The department shall consult with the commission prior to adopting rules to carry out its duties under this chapter. After consultation with the committee, the commission shall adopt such rules as may be necessary to carry out its duties under this chapter. Nothing in this chapter is intended to discourage experimental or pilot programs which could enhance snowmobile safety or recreational snowmobiling.

[1979 ex.s. c 182 § 15; 1973 1st ex.s. c 128 § 5.]

RCW 46.10.220 Snowmobile advisory committee.

Applicable Cases

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of fish and wildlife, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under subsection (3)(a) and (b) of this section shall commence on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of

the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under procedures adopted by the committee from those members appointed under subsection (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt procedures to govern its proceedings.

[1994 c 264 § 38; 1989 c 175 § 110; 1988 c 36 § 26; 1987 c 330 § 1201. Prior: 1986 c 270 § 9; 1986 c 16 § 3; 1983 c 139 § 1; 1979 ex.s. c 182 § 2.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.10.900 Severability--1971 ex.s. c 29.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 29 § 21.]

RCW 46.10.910 Short title.

Applicable Cases

This chapter may be known and cited as the "Snowmobile act".

[1971 ex.s. c 29 § 22.]

**Chapter 46.12 RCW
CERTIFICATES OF OWNERSHIP AND REGISTRATION**

RCW

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Notes:

Classification of manufactured homes: Chapter 65.20 RCW.

Hulk haulers and scrap processors: Chapter 46.79 RCW.

RCW 46.12.005 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

(1) The words "delivery," "notice," "send," and "security interest" have the same meaning as these terms are defined in RCW 62A.1-201; the word "secured party" has the same meaning as this term is defined in RCW 62A.9-105.

(2) "Salvage vehicle" means a vehicle whose certificate of ownership has been surrendered to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss or for which there is documentation indicating that the vehicle has been declared salvage or has been damaged to the extent that the owner, an insurer, or other person acting on behalf of the owner, has determined that the cost of parts and labor plus the salvage value has made it uneconomical to repair the vehicle. The term does not include a motor vehicle having a model year designation of a calendar year that is at least six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged.

[1996 c 26 § 1; 1967 c 140 § 5.]

Notes:

Effective date--1967 c 140: See note following RCW 46.12.010.

RCW 46.12.010 Certificates required to operate and sell vehicles--Manufacturers or dealers, security interest, how perfected.

Applicable Cases

It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licensing, it is proper to do so.

[1997 c 241 § 3; 1979 c 158 § 132; 1975 c 25 § 6; 1967 c 140 § 1; 1967 c 32 § 6; 1961 c 12 § 46.12.010. Prior: 1937 c 188 § 2; RRS § 6312-2.]

Notes:

Effective date--1967 c 140: "This act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date." [1967 c 140 § 11.]

Definitions: RCW 46.12.005.

RCW 46.12.020 Prerequisite to issuance of vehicle license and plates.

Applicable Cases

No vehicle license number plates or certificate of license registration, whether original issues or duplicates, may be issued or furnished by the department unless the applicant, at the same time, makes satisfactory application for a certificate of ownership or presents satisfactory evidence that such a certificate of ownership covering the vehicle has been previously issued.

[1989 c 337 § 22. Prior: 1987 c 388 § 9; 1987 c 244 § 1; 1985 c 424 § 1; 1975 c 25 § 7; 1967 c 32 § 7; 1961 c 12 § 46.12.020; prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]

Notes:

Effective date--1989 c 337 § 22: "Section 22 of this act shall take effect January 1, 1990." [1989 c 337 § 23.]

Effective date--1987 c 388 § 9: "Section 9 of this act shall take effect January 1, 1990." [1987 c 388 § 14.]

Severability--1987 c 388: See note following RCW 46.20.342.

Effective dates--1987 c 244: "Section 1 of this act shall take effect on January 1, 1990. Sections 9, 10, and 15 through 58 of this act shall take effect on January 1, 1988." [1987 c 244 § 59.]

Effective date--1985 c 424: "This act shall take effect on January 1, 1990." [1986 c 174 § 1; 1985 c 424 § 2.]

Allowing unauthorized person to drive, penalty: RCW 46.16.011.

Notice of liability insurance requirement: RCW 46.16.212.

RCW 46.12.030 Certificate of ownership--Application--Contents--Inspection of vehicle.

Applicable Cases

The application for [a] certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(1) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(3) Such other information as the department may require. The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either. A physical examination of the vehicle is mandatory if it previously was registered in any other state or country or if it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction

that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

The application shall be subscribed by the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

[1995 c 274 § 1; 1995 c 256 § 23; 1990 c 238 § 1; 1975 c 25 § 8; 1974 ex.s. c 128 § 1; 1972 ex.s. c 99 § 2; 1967 c 32 § 8; 1961 c 12 § 46.12.030. Prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]

Notes:

Reviser's note: This section was amended by 1995 c 256 § 23 and by 1995 c 274 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date, implementation--1990 c 238: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1990. The director of licensing shall immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1990 c 238 § 9.]

Effective date--1974 ex.s. c 128: "This 1974 amendatory act shall take effect July 1, 1974." [1974 ex.s. c 128 § 3.]

Notice of liability insurance requirement: RCW 46.16.212.

RCW 46.12.040 Certificate of ownership--Application and inspection fees.

Applicable Cases

The application accompanied by a draft, money order, certified bank check, or cash for one dollar and twenty-five cents, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee whenever a physical examination of the vehicle is required as a part of the vehicle licensing or titling process.

For vehicles previously registered in any other state or country, the inspection fee shall be fifteen dollars and shall be deposited in the motor vehicle fund. For all other vehicles requiring a physical examination, the inspection fee shall be twenty dollars and shall be deposited in the motor vehicle fund.

[1990 c 238 § 2; 1989 c 110 § 1; 1975 1st ex.s. c 138 § 1; 1974 ex.s. c 128 § 2; 1961 c 12 § 46.12.040. Prior: 1951 c 269 § 1; 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-3, part.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Effective date--1974 ex.s. c 128: See note following RCW 46.12.030.

RCW 46.12.042 Emergency medical services fee.

Applicable Cases

(1) Upon the retail sale or lease of any new or used motor vehicle by a vehicle dealer, the dealer shall collect from the consumer an emergency medical services fee of six dollars and fifty cents, two dollars and fifty cents of which shall be an administrative fee to be retained by the vehicle dealer. The remainder of the fee shall be forwarded with the required title application and all other fees to the department of licensing, or any of its authorized agents. The four-dollar fee collected in this section shall be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040. The administrative fee charged by a dealer shall not be considered a violation of RCW 46.70.180(2).

(2) If a fee is not imposed under subsection (1) of this section, there is hereby imposed a fee of six dollars and fifty cents at the time of application for (a) an original title or transfer of title issued on any motor vehicle pursuant to this chapter or chapter 46.09 RCW, or (b) an original transaction or transfer of ownership transaction of a vehicle under chapter 46.10 RCW. The department of licensing or any of its authorized agents shall collect the fee when processing these transactions. The fee shall be transmitted to the emergency medical services and trauma care system trust account created in RCW 70.168.040.

(3) This section does not apply to a motor vehicle that has been declared a total loss by an insurer or self-insurer unless an application for certificate of ownership or license registration is made to the department of licensing after the declaration of total loss.

[1997 c 331 § 5.]

Notes:

Effective date--1997 c 331: See note following RCW 70.168.135.

RCW 46.12.045 Off-road vehicles, certificate of ownership for title purposes only.

Applicable Cases

The department shall issue a certificate of ownership valid for title purposes only to the owner of an off-road vehicle as defined in RCW 46.09.020. The owner shall pay the fees established by RCW 46.12.040. Issuance of such certificate does not qualify the vehicle for licensing under chapter 46.16 RCW.

[1986 c 186 § 4.]

RCW 46.12.050 Issuance of certificates--Contents.

Applicable Cases

The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of ownership thereof in the applicant's name, shall issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.

The certificates of ownership and the certificates of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it has been rebuilt after becoming a salvage vehicle, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

[1996 c 26 § 2; 1993 c 307 § 1; 1990 c 238 § 3; 1975 c 25 § 9; 1967 c 32 § 9; 1961 c 12 § 46.12.050. Prior: 1959 c 166 § 1; 1947 c 164 § 2; 1937 c 188 § 4; Rem. Supp. 1947 § 6312-4.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

RCW 46.12.055 Certificate of ownership--Manufactured homes.

Applicable Cases

The certificate of ownership for a manufactured home may be eliminated or not issued when the manufactured home is registered pursuant to chapter 65.20 RCW. When the certificate of ownership is eliminated or not issued the application for license shall be recorded in the county property records of the county where the real property to which the home is affixed is located. All license fees and taxes applicable to mobile homes under this chapter are due and shall be collected prior to recording the ownership with the county auditor.

[1989 c 343 § 19.]

Notes:

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

RCW 46.12.060 Procedure when identification number altered or obliterated.

Applicable Cases

Before the department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vehicle. Upon receipt of such application, the department, if

satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the department. Upon receipt by the department of a certificate by an officer of the Washington state patrol, or other person authorized by the department, that the vehicle has been inspected and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership that may thereafter be issued therefor.

[1975 c 25 § 10; 1974 ex.s. c 36 § 1; 1961 c 12 § 46.12.060. Prior: 1959 c 166 § 3; prior: 1951 c 269 § 2; 1947 c 164 § 3(a); 1939 c 182 § 1(a); 1937 c 188 § 5(a); Rem. Supp. 1947 § 6312-5(a).]

Notes:

Effective date--1974 ex.s. c 36: "This 1974 amendatory act shall take effect on July 1, 1974." [1974 ex.s. c 36 § 2.]

RCW 46.12.070 Destruction of vehicle--Surrender of certificates, penalty--Notice of settlement by insurance company.

Applicable Cases

Upon the destruction of any vehicle issued a certificate of ownership under this chapter or a license registration under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within fifteen days thereafter forward and surrender the certificate to the department, together with a statement of the reason for the surrender and the date and place of destruction. Failure to notify the department or the possession by any person of any such certificate for a vehicle so destroyed, after fifteen days following its destruction, is prima facie evidence of violation of the provisions of this chapter and constitutes a gross misdemeanor.

Any insurance company settling an insurance claim on a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the department thereof within fifteen days after the settlement of the claim. Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

[1990 c 250 § 28; 1961 c 12 § 46.12.070. Prior: 1959 c 166 § 4; prior: 1947 c 164 § 3(b); 1939 c 182 § 1(b); 1937 c 188 § 5(b); Rem. Supp. 1947 § 6312-5(b).]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.12.075 Rebuilt vehicles.

Applicable Cases

(1) Effective January 1, 1997, the department shall issue a unique certificate of ownership and certificate of license registration, as required by chapter 46.16 RCW, for vehicles that are rebuilt after becoming a salvage vehicle. Each certificate shall conspicuously display across its front, a word indicating that the vehicle was rebuilt.

(2) Beginning January 1, 1997, upon inspection of a salvage vehicle that has been rebuilt under RCW 46.12.030, the state patrol shall securely affix or inscribe a marking at the driver's door latch pillar indicating that the vehicle has previously been destroyed or declared a total loss.

(3) It is a class C felony for a person to remove the marking prescribed in subsection (2) of this section.

(4) The department may adopt rules as necessary to implement this section.

[1996 c 26 § 3; 1995 c 256 § 24.]

RCW 46.12.080 Procedure on installation of different motor--Penalty.

Applicable Cases

Any person holding the certificate of ownership for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the department, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar and twenty-five cents, and a statement of the disposition of the former motor. The possession by any person of any such certificates for such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.

[1997 c 241 § 4; 1979 ex.s. c 113 § 1; 1961 c 12 § 46.12.080. Prior: 1959 c 166 § 5; prior: 1951 c 269 § 3; 1947 c 164 § 3(c); 1939 c 182 § 1(c); 1937 c 188 § 5(c); Rem. Supp. 1947 § 6312-5(c).]

RCW 46.12.095 Requirements for perfecting security interest.

Applicable Cases

A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of RCW 46.12.103 under the circumstances provided for therein or by compliance with the requirements of this section:

(1) A security interest is perfected by the department's receipt of: (a) The existing certificate, if any, and (b) an application for a certificate of ownership containing the name and address of the secured party, and (c) tender of the required fee.

(2) It is perfected as of the time of its creation: (a) If the papers and fee referred to in subsection (1) of this section are received by this department within twenty calendar days of the day on which the security agreement was created; or (b) if the secured party's name and address appear on the outstanding certificate of ownership; otherwise, as of the date on which the department has received the papers and fee required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, the following rules apply:

(b) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state. The name of the secured party shall be shown on the certificate of ownership issued for the vehicle by this state. The security interest continues perfected in this state upon the issuance of such ownership certificate.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state.

[1998 c 203 § 10; 1969 ex.s. c 170 § 16; 1967 c 140 § 6.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.101 Transfer of ownership--Requirements--Penalty, exceptions.

Applicable Cases

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b).

(2) The requirements of subsection (1) of this section to provide an odometer disclosure

statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

[1998 c 203 § 11; 1991 c 339 § 19; 1990 c 238 § 4; 1987 c 127 § 1; 1984 c 39 § 1; 1972 ex.s. c 99 § 1; 1969 ex.s. c 281 § 38; 1969 ex.s. c 42 § 1; 1967 c 140 § 7.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.102 Release of owner from liability, requirements for.

Applicable Cases

An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason of any of the provisions of this title be deemed the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another person when the owner has also fulfilled both of the following requirements:

(1) When he has made proper endorsement and delivery of the certificate of ownership and has delivered the certificate of registration as provided in this chapter;

(2) When he has delivered to the department either the notice as provided in RCW 46.12.101(1) or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

[1984 c 39 § 2.]

RCW 46.12.103 Transitional ownership record.

Applicable Cases

(1) The purpose of a transitional ownership record is to enable a security interest in a motor vehicle to be perfected in a timely manner when the certificate of ownership is not available at the time the security interest is created, and to provide for timely notification to security interest holders under chapter 46.55 RCW.

(2) A transitional ownership record is only acceptable as an ownership record for vehicles currently stored on the department's computer system and if the certificate of ownership or other authorized proof of ownership for the motor vehicle:

(a) Is not in the possession of the selling vehicle dealer or new security interest holder at the time the transitional ownership record is submitted to the department; and

(b) To the best of the knowledge of the selling dealer or new security interest holder, the certificate of ownership will not be received for submission to the department within twenty calendar days of the date of sale of the vehicle, or if no sale is involved, within twenty calendar days of the date the security agreement or contract is executed.

(3) A person shall submit the transitional ownership record to the department or to any of its agents or subagents. Agents and subagents shall immediately electronically transmit the transitional ownership records to the department. A transitional ownership document processed and recorded by an agent or subagent may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b).

(4) "Transitional ownership record" means a record containing all of the following information:

- (a) The date of sale;
 - (b) The name and address of each owner of the vehicle;
 - (c) The name and address of each security interest holder;
 - (d) If there are multiple security interest holders, the priorities of interest if the security interest holders do not jointly hold a single security interest;
 - (e) The vehicle identification number, the license plate number, if any, the year, make, and model of the vehicle;
 - (f) The name of the selling dealer or security interest holder who is submitting the transitional ownership record; and
 - (g) The transferee's driver's license number, if available.
- (5) The report of sale form prescribed or approved by the department under RCW 46.12.101 may be used by a vehicle dealer as the transitional ownership record.
- (6) Notwithstanding RCW 46.12.095 (1) and (2), compliance with the requirements of this section shall result in perfection of a security interest in the vehicle as of the time the security interest was created. Upon receipt of the certificate of ownership for the vehicle, or upon receipt of written confirmation that only an electronic record of ownership exists or that the certificate of ownership has been lost or destroyed, the selling dealer or new security interest holder shall promptly submit the same to the department together with an application for a new certificate of ownership containing the name and address of the secured party and tender the required fee as provided in RCW 46.12.095(1).

[1998 c 203 § 12.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.12.105 Transfer of ownership of mobile home, county assessor notified--Evidence of taxes paid.

Applicable Cases

When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile home, the department of licensing or its agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner. A certificate of ownership for a mobile home shall not be transferred or issued until the department has verified that any taxes due on the sale of the mobile home under *chapter 82.45 RCW and any other taxes due under chapter 84.52 RCW have been paid.

A copy of the real estate excise tax affidavit which has been stamped by the county treasurer shall be deemed sufficient evidence that the taxes due upon the sale of a used mobile home have been paid.

A copy of a treasurer certificate, which is prepared by the treasurer of the county in which the used mobile home is located and which states that all property taxes due upon the used mobile home being sold have been satisfied, shall be deemed sufficient evidence that the

property taxes due have been paid.

[1979 ex.s. c 266 § 5; 1979 c 158 § 133; 1971 ex.s. c 231 § 13.]

Notes:

***Reviser's note:** This reference has been changed from chapter 28A.45 RCW to chapter 82.45 RCW in accordance with 1981 c 148 § 13 and 1981 c 93 § 2. See note following RCW 82.45.010.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.124 Odometer disclosure statement.

Applicable Cases

(1) The department shall require an odometer disclosure statement to accompany every application for a certificate of ownership, unless specifically exempted. If the certificate of ownership was issued after April 30, 1990, a secure odometer statement is required, unless specifically exempted. The statements shall include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership;

(b) The date of transfer of ownership;

(c) One of the following statements:

(i) The mileage reflected is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage;

If the odometer reading is under one hundred thousand miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is one hundred thousand miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability;

(d) A complete description of the vehicle, including the:

(i) Model year;

(ii) Make;

(iii) Series and body type (model);

(iv) Vehicle identification number;

(v) License plate number and state (optional);

(e) The name, address, and signature of the transferor, in accordance with the following conditions:

(i) Only one registered owner is required to complete the odometer disclosure statement;

(ii) When the registered owner is a business, both the business name and a company representative's name must be shown on the odometer disclosure statement;

(f) The name and address of the transferee and the transferee's signature to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent's name must be shown on the odometer disclosure statement;

(g) A statement that the notice is required by the federal Truth in Mileage Act of 1986; and

(h) A statement that failure to complete the odometer disclosure statement or providing false information may result in fines or imprisonment or both.

(2) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

(3) The following vehicles are not subject to the odometer disclosure requirement at the time of ownership transfer:

(a) A vehicle having a declared gross vehicle weight of more than sixteen thousand pounds;

(b) A vehicle that is not self-propelled;

(c) A vehicle that is ten years old or older;

(d) A vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new vehicle before its first retail sale.

[1990 c 238 § 6.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

RCW 46.12.130 Assigned certificate of ownership to be filed by department--Transfer of interest in vehicle.

Applicable Cases

Certificates of ownership when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein:

(1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of ownership if available, proof of transfer, and his application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of ownership, the transferee shall promptly mail or deliver to the department the last certificate of ownership, his application for a new certificate in the form the department prescribes, and an affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of ownership but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee.

[1967 c 140 § 3; 1961 c 12 § 46.12.130. Prior: 1959 c 166 § 11; prior: 1947 c 164 § 4(d); 1937 c 188 § 6(d); Rem. Supp. 1947 § 6312-6(d).]

Notes:

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.151 Procedure when department unsatisfied as to ownership and security interests.

Applicable Cases

If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. At the end of three years or prior thereto if the vehicle is no longer registered in this state or when satisfactory evidence of ownership is surrendered to the department, the owner may apply to the department for a replacement certificate of ownership without reference to the bond.

[1990 c 250 § 30; 1967 c 140 § 9.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.160 Refusal or cancellation of certificate--Notice--Penalty for subsequent operation.

Applicable Cases

If the department determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, the department may refuse to issue such certificate or to license the vehicle and may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the registered or legal vehicle

owner or owners, and recording the transmittal on an affidavit of first class mail. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued, and any person removing, driving, or operating such vehicle after the refusal of the department to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

[1994 c 262 § 5; 1975 c 25 § 12; 1961 c 12 § 46.12.160. Prior: 1959 c 166 § 14; prior: 1947 c 164 § 4(g); 1937 c 188 § 6(g); Rem. Supp. 1947 § 6312-6(g).]

RCW 46.12.170 Procedure when security interest is granted on vehicle.

Applicable Cases

If, after a certificate of ownership is issued, a security interest is granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form approved by the department and shall be accompanied by a fee of one dollar and twenty-five cents in addition to all other fees. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vehicle records and issue to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee or transferee, and transmit the certificate to the department with an accompanying fee of one dollar and twenty-five cents in addition to all other fees. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign the certificate of ownership to the debtor or the debtor's assignee or transferee or transmit the certificate of ownership to the department within ten days after proper demand, that secured party shall be liable to the debtor or the debtor's assignee or transferee for one hundred dollars, and in addition for any loss caused to the debtor or the debtor's assignee or transferee by such failure.

[1997 c 432 § 5; 1997 c 241 § 5; 1994 c 262 § 6; 1979 ex.s. c 113 § 2; 1975 c 25 § 13; 1967 c 140 § 4; 1961 c 12 § 46.12.170. Prior: 1951 c 269 § 4; 1947 c 164 § 5; 1939 c 182 § 2; 1937 c 188 § 7; Rem. Supp. 1947 § 6312-7.]

Notes:

Reviser's note: This section was amended by 1997 c 241 § 5 and by 1997 c 432 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.181 Duplicate for lost, stolen, mutilated, etc., certificates.

Applicable Cases

If a certificate of ownership is lost, stolen, mutilated, or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for

and may obtain a duplicate upon tender of one dollar and twenty-five cents in addition to all other fees and upon furnishing information satisfactory to the department. The duplicate certificate of ownership shall contain the legend, "duplicate." It shall be provided to the first priority secured party named in it or, if none, to the owner.

A person recovering an original certificate of ownership for which a duplicate has been issued shall promptly surrender the original certificate to the department.

[1997 c 241 § 7; 1994 c 262 § 7; 1990 c 250 § 31; 1969 ex.s. c 170 § 1; 1967 c 140 § 8.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.12.190 Legal owner not liable for acts of registered owner.

Applicable Cases

The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of such registered owner.

[1961 c 12 § 46.12.190. Prior: 1937 c 188 § 10, part; RRS § 6312-10, part.]

RCW 46.12.200 State or director not liable for acts in administering chapter.

Applicable Cases

No suit or action shall ever be commenced or prosecuted against the director of licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

[1979 c 158 § 134; 1967 c 32 § 11; 1961 c 12 § 46.12.200. Prior: 1937 c 188 § 10, part; RRS § 6312-10, part.]

RCW 46.12.210 Penalty for false statements or illegal transfers.

Applicable Cases

Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership or in any assignment thereof, or who with intent to procure or pass ownership to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This provision shall not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle.

[1961 c 12 § 46.12.210. Prior: 1937 c 188 § 12; RRS § 6312-12.]

RCW 46.12.215 Unlawful sale of certificate of ownership.

Applicable Cases

It is a class C felony for a person to sell or convey a vehicle certificate of ownership except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.

[1995 c 256 § 1.]

RCW 46.12.220 Alteration or forgery--Penalty.

Applicable Cases

Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony.

[1967 c 32 § 12; 1961 c 12 § 46.12.220. Prior: 1937 c 188 § 13; RRS § 6312-13.]

RCW 46.12.230 Permit to licensed wrecker to junk vehicle--Fee.

Applicable Cases

Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the department for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the department, upon receipt of a fee of one dollar, in a form to be prescribed by the department to authorize such wrecker to wreck or junk such vehicle, or any part thereof.

[1975 c 25 § 14; 1967 c 32 § 13; 1961 c 12 § 46.12.230. Prior: 1957 c 273 § 12.]

RCW 46.12.240 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate.

Applicable Cases

(1) The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW is conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of the license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or

certificate and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

(2) This section does not apply to vehicle registration cancellations under *RCW 46.16.710 through 46.16.760.

[1987 c 388 § 8; 1965 ex.s. c 121 § 42; 1961 c 12 § 46.20.340. Prior: 1953 c 23 § 2; 1937 c 188 § 74; RRS § 6312-74. Formerly RCW 46.20.340.]

Notes:

***Reviser's note:** RCW 46.16.710 through 46.16.760 expired July 1, 1993.

Effective date--Severability--1987 c 388: See notes following RCW 46.20.342.

RCW 46.12.250 Ownership of motor vehicle by person under eighteen prohibited--Exceptions.

Applicable Cases

It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: PROVIDED, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: PROVIDED further, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is the registered owner of a motor vehicle prior to August 11, 1969 or who became the registered or legal owner of a motor vehicle while a nonresident of this state.

[1969 ex.s. c 125 § 1.]

RCW 46.12.260 Sale or transfer of motor vehicle ownership to person under eighteen prohibited.

Applicable Cases

It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: PROVIDED, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of licensing by the vendor with the application for title to said motor vehicle.

[1979 c 158 § 135; 1969 ex.s. c 125 § 2.]

RCW 46.12.270 Penalty for violation of RCW 46.12.250 or 46.12.260.

Applicable Cases

Any person violating RCW 46.12.250 or 46.12.260 or who transfers, sells, or encumbers an interest in a vehicle in violation of RCW 46.61.5058, with actual notice of the prohibition, is guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days.

[1994 c 139 § 2; 1993 c 487 § 6; 1969 ex.s. c 125 § 3.]

RCW 46.12.280 Campers--Application to--Rules and regulations.

Applicable Cases

The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of licensing shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.

[1979 c 158 § 136; 1971 ex.s. c 231 § 6.]

Notes:

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.290 Mobile or manufactured homes, application of chapter to--Rules.

Applicable Cases

(1) The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess. or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile or manufactured homes.

(2) In order to transfer ownership of a mobile home, all registered owners of record must sign the title certificate releasing their ownership.

(3) The director of licensing shall have the power to adopt such rules as necessary to implement the provisions of this chapter relating to mobile homes.

[1993 c 154 § 2. Prior: 1989 c 343 § 20; 1989 c 337 § 4; 1981 c 304 § 2; 1979 c 158 § 137; 1971 ex.s. c 231 § 14.]

Notes:

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability--1981 c 304: See note following RCW 26.16.030.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.295 Mobile homes--Titling functions transferred to department of community, trade, and economic development.

Applicable Cases

The department of licensing shall transfer all titling functions pertaining to mobile homes to the housing division of the department of community, trade, and economic development by July 1, 1991. The department of licensing shall transfer all books, records, files, and documents pertaining to mobile home titling to the department of community, trade, and economic development. The directors of the departments may immediately take such steps as are necessary to ensure that chapter 176, Laws of 1990 is implemented on June 7, 1990.

[1995 c 399 § 117; 1990 c 176 § 3.]

Notes:

Department of community, trade, and economic development duties: RCW 43.63A.460.

RCW 46.12.300 Serial numbers on vehicles, watercraft, campers, or parts--Buying, selling, etc., with numbers removed, altered, etc.--Penalty.

Applicable Cases

Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor.

[1975-'76 2nd ex.s. c 91 § 1.]

Notes:

Severability--1975-'76 2nd ex.s. c 91: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 91 § 10.]

Effective date--1975-'76 2nd ex.s. c 91: "This act shall take effect on July 1, 1976." [1975-'76 2nd ex.s. c 91 § 11.]

RCW 46.12.310 Serial numbers--Seizure and impoundment of vehicles, etc.--Notice to interested persons--Release to owner, etc.

Applicable Cases

(1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, may be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles.

[1995 c 256 § 2; 1975-'76 2nd ex.s. c 91 § 2.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.320 Serial numbers--Disposition of vehicles, etc., authorized, when.

Applicable Cases

Unless a claim of ownership to the article or articles is established pursuant to RCW 46.12.330, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to RCW 46.12.330 and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article, has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof.

[1975-'76 2nd ex.s. c 91 § 3.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.330 Serial numbers--Hearing--Appeal--Removal to court--Release.

Applicable Cases

(1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with Title 34 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful

owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under RCW 46.12.310 through 46.12.340 may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

[1981 c 67 § 27; 1975-'76 2nd ex.s. c 91 § 4.]

Notes:

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.340 Serial numbers--Release of vehicle, etc.

Applicable Cases

The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to RCW 46.12.330 when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in RCW 46.12.330 such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made.

[1975-'76 2nd ex.s. c 91 § 5.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.350 Assignment of new serial number.

Applicable Cases

An identification number shall be assigned to any article impounded pursuant to RCW 46.12.310 in accordance with the rules promulgated by the department of licensing prior to:

- (1) The release of the article from the custody of the seizing agency; or
- (2) The use of the article by the seizing agency.

[1979 c 158 § 138; 1975-'76 2nd ex.s. c 91 § 6.]

Notes:

Severability--Effective date--1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.300.

RCW 46.12.370 Lists of registered and legal owners of vehicles--Furnished for certain purposes--Penalty for unauthorized use.

Applicable Cases

In addition to any other authority which it may have, the department of licensing may furnish lists of registered and legal owners of motor vehicles only for the purposes specified in this section to:

(1) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(2) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(3) A commercial parking company requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(4) An authorized agent or contractor of the department, to be used only in connection with providing motor vehicle excise tax, licensing, title, and registration information to motor vehicle dealers; or

(5) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing.

In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in this section, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing.

[1997 c 432 § 6; 1997 c 33 § 1; 1982 c 215 § 1.]

Notes:

Reviser's note: This section was amended by 1997 c 33 § 1 and by 1997 c 432 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 46.12.380 Disclosure of names and addresses of individual vehicle owners.

Applicable Cases

(1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) The disclosing entity shall retain the request for disclosure for three years.

(3) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle owner, to whom the information applies, that the request has been granted. The notice also shall contain the name and address of the requesting party.

(4) Any person who is furnished vehicle owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(5) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle owners.

(6) This section shall not apply to title history information under RCW 19.118.170.

[1995 c 254 § 10; 1990 c 232 § 2; 1987 c 299 § 1; 1984 c 241 § 2.]

Notes:

Effective date--Severability--1995 c 254: See notes following RCW 19.118.021.

Legislative finding and purpose--1990 c 232: "The legislature recognizes the extraordinary value of the vehicle title and registration records for law enforcement and commerce within the state. The legislature also recognizes that indiscriminate release of the vehicle owner information to be an infringement upon the rights of the owner and can subject owners to intrusions on their privacy. The purpose of this act is to limit the release of vehicle owners' names and addresses while maintaining the availability of the vehicle records for the purposes of law enforcement and commerce." [1990 c 232 § 1.]

RCW 46.12.390 Disclosure violations, penalties.

Applicable Cases

(1) The department may review the activities of a person who receives vehicle record

information to ensure compliance with the limitations imposed on the use of the information. The department shall suspend or revoke for up to five years the privilege of obtaining vehicle record information of a person found to be in violation of chapter 42.17 RCW, this chapter, or a disclosure agreement executed with the department.

(2) In addition to the penalty in subsection (1) of this section:

(a) The unauthorized disclosure of information from a department vehicle record; or

(b) The use of a false representation to obtain information from the department's vehicle records; or

(c) The use of information obtained from the department vehicle records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vehicle owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or by both such fine and imprisonment for each violation.

[1990 c 232 § 3.]

Notes:

Legislative finding and purpose--1990 c 232: See note following RCW 46.12.380.

RCW 46.12.420 Street rod vehicles.

Applicable Cases

The state patrol shall inspect a street rod vehicle and assign a vehicle identification number in accordance with this chapter.

A street rod vehicle shall be titled as the make and year of the vehicle as originally manufactured. The title shall be branded with the designation "street rod."

[1996 c 225 § 6.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.430 Parts cars.

Applicable Cases

The owner of a parts car must possess proof of ownership for each such vehicle.

[1996 c 225 § 7.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.440 Kit vehicles--Application for certificate of ownership.

Applicable Cases

The following procedures must be followed when applying for a certificate of ownership

for a kit vehicle:

(1) The vehicle identification number (VIN) of a new vehicle kit and of a body kit will be taken from the manufacturer's certificate of origin belonging to that vehicle. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(2) The model year of a manufactured new vehicle kit and manufactured body kit is the year reflected on the manufacturer's certificate of origin.

(3) The make shall be listed as "KITV," and the series and body designation must describe what the vehicle looks like, i.e. Bradley GT, 57 MG, and must include the word "replica."

(4) Except for kit vehicles licensed under RCW 46.16.680(5), kit vehicles must comply with chapter 204-90 WAC.

(5) The application for the certificate of ownership must be accompanied by the following documents:

(a) For a manufactured new vehicle kit, the manufacturer's certificate of origin or equivalent document;

(b)(i) For a manufactured body kit, the manufacturer's certificate of origin or equivalent document; (ii) for the frame, the title or a certified copy or equivalent document;

(c) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax. The bills of sale must include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model, and identification or serial number, the date of sale, and the purchase price of the vehicle or part;

(d) A statement as defined in WAC 308-56A-150 by an authorized inspector of the Washington state patrol or other person authorized by the department of licensing verifying the vehicle identification number, and year and make when applicable;

(e) A completed declaration of value form (TD 420-737) to determine the value for excise tax if the purchase cost and year is unknown or incomplete.

(6) A Washington state patrol VIN inspector must ensure that all parts are documented by titles, notarized bills of sale, or business receipts such as obtained from a wrecking yard purchase. The bills of sale must contain the VIN of the vehicle the parts came from, or the yard number if from a wrecking yard.

[1996 c 225 § 8.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.450 Kit vehicles--Issuance of certificate of ownership or registration.

Applicable Cases

The following documents are required for issuance of a certificate of ownership or registration for a kit vehicle:

(1) For a new vehicle kit or a manufactured body kit, the owner shall supply a

manufacturer's certificate of origin or a factory invoice.

(2) For a manufactured body kit, proof of ownership for all major parts used in the construction of the vehicle is required.

(a) Major parts include:

(i) Frame;

(ii) Engine;

(iii) Axles;

(iv) Transmission;

(v) Any other parts that carry vehicle identification numbers.

(b) If the frame from a donor vehicle is used and the remainder of the donor vehicle is to be sold or destroyed, the title is required as an ownership document to the buyer. The agent or subagent may make a certified copy of the title for documentation of the frame for this transaction.

(3) Payment of use tax on the frame and all component parts used is required, unless proof of payment of the sales or use tax is submitted.

(4) A completed declaration of value form (TD 420-737) to determine the value of the vehicle for excise tax purposes is required if the purchase cost and year of purchase is unknown.

(5) An odometer disclosure statement is required on all originals and transfers of title for vehicles under ten years old, unless otherwise exempt by law.

[1996 c 225 § 9.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.12.500 Commercial vehicle--Compliance statement.

Applicable Cases

When applicable, the certificate of registration must include a statement that the owner or entity operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing.

[1999 c 351 § 4.]

Notes:

Reviser's note: This section was directed to be codified in chapter 46.16 RCW, but placement in chapter 46.12 RCW appears to be more appropriate.

**Chapter 46.16 RCW
VEHICLE LICENSES**

- 46.16.006 "Registration year" defined--Registration months--"Last day of the month."
- 46.16.010 Licenses and plates required--Penalties--Exceptions.
- 46.16.0101 License fraud--Penalties, procedures.

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- 46.16.011 Allowing unauthorized person to drive--Penalty.
- 46.16.012 Immunity from liability for licensing nonroadworthy vehicle.
- 46.16.015 Emission control inspections required--Exceptions--Educational information.
- 46.16.016 Emission control inspections--Rules for licensing requirements.
- 46.16.020 Exemptions--State and publicly owned vehicles--Registration.
- 46.16.022 Exemptions--Vehicles owned by Indian tribes--Conditions.
- 46.16.023 Ride-sharing vehicles--Special plates--Gross misdemeanor.
- 46.16.025 Identification device for exempt farm vehicles--Application for--Contents--Fee.
- 46.16.028 "Resident" defined--Vehicle registration required.
- 46.16.029 Purchasing vehicle with foreign plates.
- 46.16.030 Nonresident exemption--Reciprocity.
- 46.16.035 Exemptions--Private school buses.
- 46.16.040 Form of application--Contents.
- 46.16.045 Temporary permits--Authority--Fees.
- 46.16.047 Temporary permits--Form and contents--Duration--Fees.
- 46.16.048 Temporary letter of authority for movement of unlicensed vehicle for special community event.
- 46.16.060 License fee, general--Distribution of proceeds--House-moving dollies.
- 46.16.061 Additional fees to help defray costs of studies.
- 46.16.063 Additional fee for recreational vehicles.
- 46.16.065 Small trailer license fee--Conditions.
- 46.16.068 Trailing units--Permanent plates.
- 46.16.070 License fee on trucks, buses, and for hire vehicles based on gross weight.
- 46.16.071 Additional fees.
- 46.16.073 Federal heavy vehicle use tax.
- 46.16.079 Fixed load motor vehicle equipped for lifting or towing--Capacity fee in addition to and in lieu.
- 46.16.085 Commercial trailers, pole trailers--Fee in lieu.
- 46.16.088 Transfer of license plates--Penalty.
- 46.16.090 Gross weight fees on farm vehicles--Penalty.
- 46.16.111 Gross weight, how computed.
- 46.16.121 Seating capacity fees on stages, for hire vehicles.
- 46.16.125 Mileage fees on stages--Penalty.
- 46.16.135 Monthly license fee--Penalty.
- 46.16.140 Overloading licensed capacity--Additional license--Penalties--Exceptions.
- 46.16.145 Overloading licensed capacity--Penalties.
- 46.16.150 School buses exempt from load and seat capacity fees.
- 46.16.160 Vehicle trip permits--Restrictions and requirements--Fees and taxes--Penalty--Rules.
- 46.16.170 Marking gross weight on vehicle.
- 46.16.180 Unlawful to carry passengers for hire without license.
- 46.16.200 Applications to agents--Transmittal to director.
- 46.16.210 Original applications--Renewals--Fees--Preissuance, when.
- 46.16.212 Notice of liability insurance requirement.
- 46.16.216 Payment of parking fines required for renewal.
- 46.16.220 Time of renewal of licenses--Duration.
- 46.16.225 Adjustment of vehicle registration periods to stagger renewal periods.
- 46.16.230 License plates furnished.
- 46.16.233 Standard background--Periodic replacement.
- 46.16.235 State name not abbreviated.
- 46.16.237 Reflectorized materials--Fee.
- 46.16.240 Attachment of plates to vehicles--Violations enumerated.

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- 46.16.260 License registration certificate--Signature required--Carried in vehicle--Penalty--Inspection--Exception.
- 46.16.265 Replacement certificate.
- 46.16.270 Replacement of plates--Fee.
- 46.16.276 Implementing rules.
- 46.16.280 Sale, loss, or destruction of commercial vehicle--Credit for unused fee--Change in license classification.
- 46.16.290 License certificate and plates follow vehicle on transfer--Exceptions.
- 46.16.301 Baseball stadium license plates.
- 46.16.305 Special license plates--Continuance of earlier issues--Conditions for current issues.
- 46.16.307 Collectors' vehicles--Use restrictions.
- 46.16.309 Special license plates--Application.
- 46.16.313 Special license plates--Fees.
- 46.16.314 Special license plates--Authority to continue.
- 46.16.316 Special license plates--Transfer of vehicle--Replacement plates.
- 46.16.319 Veterans and military personnel--Emblems.
- 46.16.324 Collegiate license plates.
- 46.16.327 License plate emblems--Material, display requirements.
- 46.16.332 License plate emblems--Fees.
- 46.16.335 Special license plates and emblems--Rules.
- 46.16.340 Amateur radio operator plates--Information furnished to various agencies.
- 46.16.350 Amateur radio operator plates--Expiration or revocation of radio license--Penalty.
- 46.16.371 Special plates for honorary consul, foreign government representative.
- 46.16.374 Taipei Economic and Cultural Office--Special plates.
- 46.16.376 Taipei Economic and Cultural Office--Fee exemption.
- 46.16.381 Special parking privileges for disabled persons--Penalties--Enforcement.
- 46.16.390 Special plate or card issued by another jurisdiction.
- 46.16.450 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate.
- 46.16.460 Nonresident members of armed forces--Issuance of temporary license.
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- 46.16.480 Nonresident members of armed forces--Exemption from sales, use, or motor vehicle excise taxes--Extent of exemption.
- 46.16.490 Nonresident members of armed forces--Rules and regulations--Proof.
- 46.16.500 Liability of operator, owner, lessee for violations.
- 46.16.505 Campers--License and plates--Application--Fee.
- 46.16.560 Personalized license plates--Defined.
- 46.16.565 Personalized license plates--Application.
- 46.16.570 Personalized license plates--Design.
- 46.16.575 Personalized license plates--Issuance to registered owner only.
- 46.16.580 Personalized license plates--Application requirements.
- 46.16.585 Personalized license plates--Fees--Renewal--Penalty.
- 46.16.590 Personalized license plates--Transfer fees.
- 46.16.595 Personalized license plates--Transfer or surrender upon sale or release of vehicle--Penalty.
- 46.16.600 Personalized license plates--Rules and regulations.
- 46.16.605 Personalized license plates--Disposition of fees--Costs.
- 46.16.606 Personalized license plates--Additional fee.
- 46.16.630 Moped registration.
- 46.16.640 Wheelchair conveyances.

46.16.650	License plates--Additional fee.
46.16.670	Boat trailers--Fee for freshwater aquatic weeds account.
46.16.680	Kit vehicles.
46.16.900	Severability--1973 1st ex.s. c 132.

Notes:

Auto transportation companies: Chapter 81.68 RCW.

Free license plates

disabled veterans, prisoners of war: RCW 73.04.110.

surviving spouse of prisoner of war: RCW 73.04.115.

Rental cars: RCW 46.87.023, 82.44.023.

Special license plates--Fee--Hulk haulers or scrap processors: RCW 46.79.060.

Unprocessed agricultural products, license for transport: RCW 20.01.120.

RCW 46.16.006 "Registration year" defined--Registration months--"Last day of the month."

Applicable Cases

(1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW means the effective period of a vehicle license issued by the department. Such year commences at 12:01 a.m. on the date of the calendar year designated by the department and ends at 12:01 a.m. on the same date of the next succeeding calendar year. If a vehicle license previously issued in this state has expired and is renewed with a different registered owner, a new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve-month period.

(2) Each registration year may be divided into twelve registration months. Each registration month commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and terminates on the numerically corresponding day of the next succeeding calendar month.

(3) Where the term "last day of the month" is used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it means the last day of such calendar month or months irrespective of the numerical designation of that day.

(4) If the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday, such period extends through the end of the next business day.

[1992 c 222 § 1; 1983 c 27 § 1; 1981 c 214 § 1; 1975 1st ex.s. c 118 § 1.]

Notes:

Effective date--1975 1st ex.s. c 118: "This 1975 amendatory act shall take effect on January 1, 1977: PROVIDED, That the director of the department of motor vehicles may, prior to such effective date, undertake and perform duties and conduct activities necessary for the timely implementation of this 1975 amendatory act on such date." [1975 1st ex.s. c 118 § 19.]

Severability--1975 1st ex.s. c 118: "If any provision of this 1975 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this 1975 amendatory act and the applicability thereof to persons and circumstances shall not be

affected thereby." [1975 1st ex.s. c 118 § 18.]

RCW 46.16.010 Licenses and plates required--Penalties--Exceptions.

Applicable Cases

(1) It is a violation for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided.

(a) Failure to make initial registration of a vehicle before operating it on the highways of this state is a violation of this section. Anyone who violates this section is liable for a penalty of three hundred fifty dollars for each violation in addition to all other penalties provided by law. Persons violating this subsection shall make payment as prescribed in subsection (2)(b) of this section.

(b) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction, which shall not be resolved through the civil process instituted under this section.

(2)(a) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, to avoid the payment of any tax or license fee imposed in connection with registration, is a violation of this section, and violators are liable for a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation.

(b) The penalty provided in subsection (1)(a) of this section and this subsection is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator resides or does business, to recover the penalty, administrative fees, and attorneys' fees and costs incurred in recovering the penalties. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force.

(c) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to the following vehicles:

(a) Electric-assisted bicycles;

(b) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with

the law;

(c) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(d) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(e) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

[1999 c 277 § 4. Prior: 1997 c 328 § 2; 1997 c 241 § 13; 1996 c 184 § 1; 1993 c 238 § 1; 1991 c 163 § 1; 1989 c 192 § 2; 1986 c 186 § 1; 1977 ex.s. c 148 § 1; 1973 1st ex.s. c 17 § 2; 1972 ex.s. c 5 § 2; 1969 c 27 § 3; 1967 c 202 § 2; 1963 ex.s. c 3 § 51; 1961 ex.s. c 21 § 32; 1961 c 12 § 46.16.010; prior: 1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--1996 c 184 §§ 1-6: "Sections 1 through 6 of this act take effect January 1, 1997." [1996 c 184 § 8.]

Legislative intent--1989 c 192: "The legislature recognizes that there are residents of this state who intentionally register motor vehicles in other states to evade payment of taxes and fees required by the laws of this state. This results in a substantial loss of revenue to the state. It is the intent of the legislature to impose a stronger criminal penalty upon those residents who defraud the state, thereby enhancing compliance with the registration laws of this state and further enhancing enforcement and collection efforts.

In order to encourage voluntary compliance with the registration laws of this state, administrative penalties associated with failing to register a motor vehicle are waived until September 1, 1989. It is not the intent of the legislature to waive traffic infraction or criminal traffic violations imposed prior to July 23, 1989." [1989 c 192 § 1.]

Effective date--1989 c 192: "Section 2 of this act shall take effect September 1, 1989." [1989 c 192 § 3.]

RCW 46.16.0101 License fraud--Penalties, procedures.

Applicable Cases

A penalty assessed pursuant to RCW 46.16.010 (1)(a) and (2), 47.68.255, or 82.48.020 is due and payable when the person incurring it receives a notice in writing from the state patrol stating the violation and advising the person that the penalty is due. The state patrol may, upon written application for review received within fifteen days from the date of the penalty assessment, remit or mitigate a penalty. Procedures for these actions are governed by chapter 34.05 RCW. The penalty notice has the effect of an agency order.

[1999 c 277 § 3.]

RCW 46.16.011 Allowing unauthorized person to drive--Penalty.

Applicable Cases

It is unlawful for any person in whose name a vehicle is registered knowingly to permit another person to drive the vehicle when the other person is not authorized to do so under the laws of this state. A violation of this section is a misdemeanor.

[1987 c 388 § 10.]

Notes:

Severability--1987 c 388: See note following RCW 46.20.342.
Allowing unauthorized child to drive: RCW 46.20.024.

RCW 46.16.012 Immunity from liability for licensing nonroadworthy vehicle.

Applicable Cases

The director, the state of Washington, and its political subdivisions shall be immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle.

[1986 c 186 § 5.]

RCW 46.16.015 Emission control inspections required--Exceptions--Educational information.

Applicable Cases

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle or change the registered owner of a licensed vehicle, for any vehicle that is required to be inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within six months of the date of application for the vehicle license or license renewal. Certificates for fleet or owner tested diesel vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) Farm vehicles as defined in RCW 46.04.181;

(g) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW;

(h) Classes of motor vehicles exempted by the director of the department of ecology;

(i) Collector cars as identified by the department of licensing under RCW 46.16.305(1);

or

(j) Beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old.

The provisions of (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) The department of ecology shall provide information to motor vehicle owners regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas. In addition the department of ecology shall provide information to motor vehicle owners on the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air

pollution. The department of licensing shall send to all registered motor vehicle owners affected by the emission testing program notice that they must have an emission test to renew their registration.

[1998 c 342 § 6; 1991 c 199 § 209; 1990 c 42 § 318; 1989 c 240 § 1; 1985 c 7 § 111. Prior: 1983 c 238 § 1; 1983 c 237 § 3; 1980 c 176 § 1; 1979 ex.s. c 163 § 11.]

Notes:

Finding--1991 c 199: See note following RCW 70.94.011.

Effective dates--Severability--Captions not law--1991 c 199: See RCW 70.94.904 through 70.94.906.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1989 c 240: See RCW 70.120.902.

Severability--1983 c 238: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 238 § 3.]

Legislative finding--1983 c 237: See note following RCW 46.37.467.

Effective date--1979 ex.s. c 163: "Section 11 of this act shall take effect on January 1, 1982. The director of the department of licensing and the director of the department of ecology are authorized to take immediately such steps as are necessary to ensure that section 11 of this act is implemented on its effective date." [1979 ex.s. c 163 § 16.]

Severability--1979 ex.s. c 163: See note following RCW 70.120.010.

RCW 46.16.016 Emission control inspections--Rules for licensing requirements.

Applicable Cases

The director of the department of licensing shall adopt rules implementing and enforcing RCW 46.16.015, except for *RCW 46.16.015(2)(g) in accordance with chapter 34.05 RCW.

[1979 ex.s. c 163 § 15.]

Notes:

***Reviser's note:** RCW 46.16.015(2)(g) was redesignated RCW 46.16.015(2)(f) by 1991 c 199 § 209.

Severability--1979 ex.s. c 163: See note following RCW 70.120.010.

RCW 46.16.020 Exemptions--State and publicly owned vehicles--Registration.

Applicable Cases

Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, or owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the

license registration of other vehicles and shall display the vehicle license number plates assigned to it. The department shall assign a plate or plates to each vehicle or may assign a block of plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it pursuant to this section. The agency, political subdivision, or Indian tribe, except a foreign government or international body, shall pay a fee of two dollars for the plate or plates for each vehicle. An Indian tribe is not entitled to license and register any tribal government service vehicle under this section if that tribe itself licenses or registers any tribal government service vehicles under tribal law. No vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or the director's duly authorized representative.

[1986 c 30 § 1; 1975 1st ex.s. c 169 § 5; 1973 1st ex.s. c 132 § 22; 1967 c 32 § 14; 1965 ex.s. c 106 § 1; 1961 c 12 § 46.16.020. Prior: 1939 c 182 § 4; 1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46 § 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329.]

Notes:

Severability--1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

Marking of publicly owned vehicles: RCW 46.08.065 through 46.08.068.

Special license plates issued without fee

Congressional Medal of Honor recipients: RCW 46.16.305.

disabled veterans, prisoners of war: RCW 73.04.110.

surviving spouse of prisoner of war: RCW 73.04.115.

RCW 46.16.022 Exemptions--Vehicles owned by Indian tribes--Conditions.

Applicable Cases

(1) The provisions of this chapter relating to licensing of vehicles by this state, including the display of vehicle license number plates and license registration certificates, do not apply to vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, only when:

(a) The vehicle is used exclusively in tribal government service; and

(b) The vehicle has been licensed and registered under a law adopted by such tribal government; and

(c) Vehicle license number plates issued by the tribe showing the initial or abbreviation of the name of the tribe are displayed on the vehicle substantially as provided therefor in this state; and

(d) The tribe has not elected to receive any Washington state license plates for tribal government service vehicles pursuant to RCW 46.16.020; and

(e) If required by the department, the tribe provides the department with vehicle description and ownership information similar to that required for vehicles registered in this state, which may include the model year, make, model series, body type, type of power (gasoline, diesel, or other), VIN, and the license plate number assigned to each government service vehicle licensed by that tribe.

(2) The provisions of this section are operative as to a vehicle owned or leased by an

Indian tribe located within this state and used exclusively in tribal government service only to the extent that under the laws of the tribe like exemptions and privileges are granted to all vehicles duly licensed under the laws of this state for operation of such vehicles on all tribal roads within the tribe's reservation. If under the laws of the tribe, persons operating vehicles licensed by this state are required to pay a license or registration fee or to carry or display vehicle license number plates or a registration certificate issued by the tribe, the tribal government shall comply with the provisions of this state's laws relating to the licensing and registration of vehicles operating on the highways of this state.

[1986 c 30 § 2.]

RCW 46.16.023 Ride-sharing vehicles--Special plates--Gross misdemeanor.

Applicable Cases

(1) Every owner or lessee of a vehicle seeking to apply for an excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of five dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

[1993 c 488 § 5; 1987 c 175 § 2.]

Notes:

Finding--Annual recertification rule--Report--1993 c 488: See notes following RCW 82.08.0287.

Effective date--1987 c 175 § 2: "Section 2 of this act shall take effect on January 1, 1988." [1987 c 175 § 4.]

RCW 46.16.025 Identification device for exempt farm vehicles--Application

for--Contents--Fee.

Applicable Cases

Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of licensing and issued by the department of licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) The name and address of the owner of the vehicle;
- (2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The purpose for which said vehicle is to be principally used;
- (4) Such other information as shall be required upon such application by the director; and
- (5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.

[1979 c 158 § 139; 1967 c 202 § 3.]

RCW 46.16.028 "Resident" defined--Vehicle registration required.

Applicable Cases

(1) For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in subsection (1)(b) of this section includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to the food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and

temporary assistance for needy families.

(3) A resident of the state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. New Washington residents shall be allowed thirty days from the date they become residents as defined in this section to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in this chapter or chapter 46.85 RCW.

[1997 c 59 § 7; 1987 c 142 § 1; 1986 c 186 § 2; 1985 c 353 § 1.]

Notes:

Effective date--1985 c 353: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 1 of this act, which shall take effect September 1, 1985." [1985 c 353 § 6.]

RCW 46.16.029 Purchasing vehicle with foreign plates.

Applicable Cases

It is unlawful to purchase a vehicle bearing foreign license plates without removing and destroying the plates unless (1) the out-of-state vehicle is sold to a Washington resident by a resident of a jurisdiction where the license plates follow the owner or (2) the out-of-state plates may be returned to the jurisdiction of issuance by the owner for refund purposes or (3) for such other reasons as the department may deem appropriate by rule.

[1987 c 142 § 2.]

RCW 46.16.030 Nonresident exemption--Reciprocity.

Applicable Cases

Except as is herein provided for foreign businesses, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his or her residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state. The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with

such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned. Under provisions of the international registration plan, the nonmotor vehicles of member and nonmember jurisdictions which are properly based and licensed in such jurisdictions are granted reciprocity in this state as provided in RCW 46.87.070(2). The director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

[1991 c 163 § 2; 1990 c 42 § 110; 1967 c 32 § 15; 1961 c 12 § 46.16.030. Prior: 1937 c 188 § 23; RRS § 6312-23; 1931 c 120 § 1; 1929 c 99 § 4; 1921 c 96 § 11; 1919 c 59 § 6; 1917 c 155 § 7; 1915 c 142 § 11; RRS § 6322.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.16.035 Exemptions--Private school buses.

Applicable Cases

Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW 28A.195.010 and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided. A license issued by the department for such bus or vehicle shall be considered an exempt license under RCW 82.44.010.

[1990 c 33 § 584; 1980 c 88 § 1.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 46.16.040 Form of application--Contents.

Applicable Cases

Application for original vehicle license shall be made on [a] form furnished for the purpose by the department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify that the statements therein are true to the best of the applicant's knowledge. The application must show:

- (1) Name and address of the owner of the vehicle and, if the vehicle is subject to a security agreement, the name and address of the secured party;
- (2) Trade name of the vehicle, model, year, type of body, the identification number thereof;
- (3) The power to be used--whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The licensed gross weight for such vehicle which in the case of for hire vehicles and auto stages with seating capacity of more than six shall be the adult seating capacity thereof, including the operator, as provided for in RCW 46.16.111. In the case of motor trucks, tractors, and truck tractors, the licensed gross weight shall be the gross weight declared by the applicant

pursuant to the provisions of RCW 46.16.111;

(6) The unladen weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the department.

[1987 c 244 § 2; 1975 c 25 § 15; 1969 ex.s. c 170 § 2. Prior: 1967 ex.s. c 83 § 59; 1967 c 32 § 16; 1961 c 12 § 46.16.040; prior: 1947 c 164 § 8; 1937 c 188 § 29; Rem. Supp. 1947 § 6312-29; 1921 c 96 § 5; 1919 c 178 § 1; 1919 c 59 § 4; 1915 c 142 § 5; RRS § 6316.]

Notes:

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.045 Temporary permits--Authority--Fees.

Applicable Cases

(1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars, which shall be credited to the payment of registration fees at the time application for registration is made.

(4) The payment of the registration fees to an authorized dealer is considered payment to the state of Washington.

[1990 c 198 § 1; 1973 1st ex.s. c 132 § 23; 1961 c 12 § 46.16.045. Prior: 1959 c 66 § 1.]

Notes:

Severability--1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

RCW 46.16.047 Temporary permits--Form and contents--Duration--Fees.

Applicable Cases

Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in

the same manner as other fees collected by the county auditor and credited to the county current expense fund.

[1961 c 12 § 46.16.047. Prior: 1959 c 66 § 2.]

RCW 46.16.048 Temporary letter of authority for movement of unlicensed vehicle for special community event.

Applicable Cases

The department in its discretion may issue a temporary letter of authority authorizing the movement of an unlicensed vehicle or the temporary usage of a special plate for the purpose of promoting or participating in an event such as a parade, pageant, fair, convention, or other special community activity. The letter of authority may not be issued to or used by anyone for personal gain, but public identification of the sponsor or owner of the donated vehicle shall not be considered to be personal gain.

[1977 c 25 § 2.]

RCW 46.16.060 License fee, general--Distribution of proceeds--House-moving dollies.

Applicable Cases

(1) Except for vehicles already so taxed in RCW 46.16.070 and 46.16.085 or as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each registration year or fractional part thereof and upon each vehicle a license fee of twenty-three dollars, but effective with initial motor vehicle registrations that expire in January, 1989, and thereafter, the license fee shall be twenty-seven dollars and seventy-five cents; however, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, the renewal license fee shall be nineteen dollars, but effective with vehicle license renewals that expire in January, 1989, and thereafter, the renewal license fee shall be twenty-three dollars and seventy-five cents. On all new and renewal license fees, an additional fifty cents shall be collected and remitted to the department for deposit into the department of licensing services account of the motor vehicle fund. The proceeds of such fees shall be distributed in accordance with RCW 46.68.030. The fee for licensing each house-moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW shall be twenty-five dollars, but effective with licenses that expire in January, 1989, and thereafter, the fee shall be twenty-nine dollars and seventy-five cents, and no other fee shall be charged for the load carried thereon.

(2) The department of licensing, county auditors, and other authorized agents shall collect for any registration year any increase in the fees authorized by this section for the months of that registration year in which any such increase is effective in the same manner and at the same time as such fees for that registration year would otherwise be collected as provided by law.

[1992 c 216 § 4; 1987 1st ex.s. c 9 § 3; 1985 c 380 § 13; 1981 c 342 § 8; 1975 1st ex.s. c 118 § 3; 1969 ex.s. c 170 § 3; 1969 c 99 § 5; 1965 c 25 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.16.060. Prior: 1957 c 105 § 1; 1955 c 384 § 11; 1951 c 150 § 17; 1949 c 220 § 8; 1937 c 188 § 16; 1931 c 140 § 1; part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-16; RRS § 6326, part.]

Notes:

Severability--Effective date--1987 1st ex.s. c 9: See notes following RCW 46.29.050.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--Severability--1981 c 342: See notes following RCW 82.36.010.

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

Effective date--1965 c 25: "This act shall take effect January 1, 1966." [1965 c 25 § 6.]

Additional plate fee: RCW 46.16.650.

Department of licensing services account: RCW 46.68.220.

Free license plates

Congressional Medal of Honor recipients: RCW 46.16.305.

disabled veterans, prisoners of war: RCW 73.04.110.

surviving spouse of prisoner of war: RCW 73.04.115.

RCW 46.16.061 Additional fees to help defray costs of studies.

Applicable Cases

In addition to all other fees prescribed by law, a fee of \$.10 shall be paid for each motor vehicle not otherwise taxed in RCW 46.16.070 or 46.16.085.

The fee shall be deposited in the motor vehicle fund, and shall be used by the legislative transportation committee and the state department of transportation to help defray the costs of special highway studies and other studies as provided for by law and for other necessary expenses of the committee.

[1985 c 380 § 14; 1984 c 7 § 49; 1963 ex.s. c 3 § 40.]

Notes:

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.16.063 Additional fee for recreational vehicles.

Applicable Cases

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each camper, travel trailer, and motor home as the same are defined in RCW 82.50.010 a fee of three dollars to be deposited in the RV account of the motor vehicle fund. Under RCW 43.135.055, the department of transportation may increase RV account fees by a percentage that exceeds the fiscal growth factor. After consultation with citizen representatives of the recreational vehicle user community, the department of transportation may implement RV account fee adjustments no more than once every four years. RV account fee adjustments must be preceded by evaluation of the following factors: Maintenance of a self-supporting program, levels of service at existing RV sanitary disposal facilities, identified needs for improved RV service at safety rest areas state-wide, sewage treatment costs, and inflation. If the department chooses to adjust the RV account fee, it shall notify the department of licensing six months before implementation of the fee increase. Adjustments in the RV account fee must be in increments of no more than fifty cents per biennium.

[1996 c 237 § 1; 1980 c 60 § 2.]

Notes:

Effective date--1996 c 237 § 1: "Section 1 of this act takes effect with motor vehicle fees due or to become due September 1, 1996." [1996 c 237 § 4.]

Effective date--1980 c 60: See note following RCW 47.38.050.

RCW 46.16.065 Small trailer license fee--Conditions.

Applicable Cases

In lieu of the fees provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed upon the payment of a license fee in the sum of four dollars and fifty cents or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee in the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public.

[1975 1st ex.s. c 118 § 4; 1961 ex.s. c 7 § 10; 1961 c 12 § 46.16.065. Prior: 1951 c 269 § 7.]

Notes:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.
Additional plate fee: RCW 46.16.650.

RCW 46.16.068 Trailing units--Permanent plates.

Applicable Cases

Trailing units which are subject to RCW 82.44.020(4) shall, upon application, be issued a permanent license plate that is valid until the vehicle is sold, permanently removed from the state, or otherwise disposed of by the registered owner. The fee for this license plate is thirty-six dollars. Upon the sale, permanent removal from the state, or other disposition of a trailing unit bearing a permanent license plate the registered owner is required to return the license plate and registration certificate to the department. Violations of this section or misuse of a permanent license plate may subject the registered owner to prosecution or denial, or both, of future permanent registration of any trailing units. This section does not apply to any trailing units subject to the annual excise taxes prescribed in RCW 82.44.020. The department is authorized to adopt rules to implement this section for leased vehicles and other applications as necessary.

[1998 c 321 § 32 (Referendum Bill No. 49, approved November 3, 1998); 1993 c 123 § 4.]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

RCW 46.16.070 License fee on trucks, buses, and for hire vehicles based on gross weight.

Applicable Cases

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	\$ 37.00	\$ 37.00
6,000 lbs.	\$ 44.00	\$ 44.00
8,000 lbs.	\$ 55.00	\$ 55.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 72.00	\$ 72.00
14,000 lbs.	\$ 82.00	\$ 82.00
16,000 lbs.	\$ 92.00	\$ 92.00
18,000 lbs.	\$ 137.00	\$ 137.00
20,000 lbs.	\$ 152.00	\$ 152.00
22,000 lbs.	\$ 164.00	\$ 164.00
24,000 lbs.	\$ 177.00	\$ 177.00
26,000 lbs.	\$ 187.00	\$ 187.00
28,000 lbs.	\$ 220.00	\$ 220.00
30,000 lbs.	\$ 253.00	\$ 253.00
32,000 lbs.	\$ 304.00	\$ 304.00
34,000 lbs.	\$ 323.00	\$ 323.00
36,000 lbs.	\$ 350.00	\$ 350.00
38,000 lbs.	\$ 384.00	\$ 384.00
40,000 lbs.	\$ 439.00	\$ 439.00
42,000 lbs.	\$ 456.00	\$ 546.00
44,000 lbs.	\$ 466.00	\$ 556.00
46,000 lbs.	\$ 501.00	\$ 591.00
48,000 lbs.	\$ 522.00	\$ 612.00
50,000 lbs.	\$ 566.00	\$ 656.00
52,000 lbs.	\$ 595.00	\$ 685.00
54,000 lbs.	\$ 642.00	\$ 732.00
56,000 lbs.	\$ 677.00	\$ 767.00
58,000 lbs.	\$ 704.00	\$ 794.00
60,000 lbs.	\$ 750.00	\$ 840.00
62,000 lbs.	\$ 804.00	\$ 894.00
64,000 lbs.	\$ 822.00	\$ 912.00
66,000 lbs.	\$ 915.00	\$ 1,005.00
68,000 lbs.	\$ 954.00	\$ 1,044.00
70,000 lbs.	\$ 1,027.00	\$ 1,117.00
72,000 lbs.	\$ 1,098.00	\$ 1,188.00
74,000 lbs.	\$ 1,193.00	\$ 1,283.00
76,000 lbs.	\$ 1,289.00	\$ 1,379.00
78,000 lbs.	\$ 1,407.00	\$ 1,497.00
80,000 lbs.	\$ 1,518.00	\$ 1,608.00

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DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
82,000 lbs.	\$ 1,623.00	\$ 1,713.00
84,000 lbs.	\$ 1,728.00	\$ 1,818.00
86,000 lbs.	\$ 1,833.00	\$ 1,923.00
88,000 lbs.	\$ 1,938.00	\$ 2,028.00
90,000 lbs.	\$ 2,043.00	\$ 2,133.00
92,000 lbs.	\$ 2,148.00	\$ 2,238.00
94,000 lbs.	\$ 2,253.00	\$ 2,343.00
96,000 lbs.	\$ 2,358.00	\$ 2,448.00
98,000 lbs.	\$ 2,463.00	\$ 2,553.00
100,000 lbs.	\$ 2,568.00	\$ 2,658.00
102,000 lbs.	\$ 2,673.00	\$ 2,763.00
104,000 lbs.	\$ 2,778.00	\$ 2,868.00
105,500 lbs.	\$ 2,883.00	\$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

[1994 c 262 § 8; 1993 sp.s. c 23 § 60. Prior: 1993 c 123 § 5; 1993 c 102 § 1; 1990 c 42 § 105; 1989 c 156 § 1; prior: 1987 1st ex.s. c 9 § 4; 1987 c 244 § 3; 1986 c 18 § 4; 1985 c 380 § 15; 1975-'76 2nd ex.s. c 64 § 1; 1969 ex.s. c 281 § 54; 1967 ex.s. c 118 § 1; 1967 ex.s. c 83 § 56; 1961 ex.s. c 7 § 11; 1961 c 12 § 46.16.070; prior: 1957 c 273 § 1; 1955 c 363 § 2; prior: 1951 c 269 § 9; 1950 ex.s. c 15 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-17, part; RRS § 6326, part.]

Notes:

Effective date--1994 c 262 §§ 8, 28: "Sections 8 and 28 of this act take effect July 1, 1994." [1994 c 262

§ 29.]

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: "Chapter 102, Laws of 1993 and chapter 123, Laws of 1993 each take effect January 1, 1994." [1993 sp.s. c 23 § 66.]

Effective dates--1993 sp.s. c 23: See note following RCW 43.89.010.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Application--1989 c 156: "This act first applies to the renewal of vehicle registrations that have a December 1990 or later expiration date and all initial vehicle registrations that are effective on or after January 1, 1990." [1989 c 156 § 5.]

Severability--Effective date--1987 1st ex.s. c 9: See notes following RCW 46.29.050.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective dates--1975-'76 2nd ex.s. c 64: "Sections 1, 2, and 5 through 24 of this 1976 amendatory act shall take effect on July 1, 1976, and sections 3 and 4 of this 1976 amendatory act shall take effect on January 1, 1977. All current and outstanding valid licenses and permits held by licensees on July 1, 1976, shall remain valid until their expiration dates, but renewals and original applications made after July 1, 1976, shall be governed by the law in effect at the time such renewal or application is made." [1975-'76 2nd ex.s. c 64 § 25.]

Severability--1975-'76 2nd ex.s. c 64: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 64 § 26.]

Effective date--1969 ex.s. c 281: See note following RCW 46.88.010.

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

Additional plate fee: RCW 46.16.650.

RCW 46.16.071 Additional fees.

Applicable Cases

(1) In addition to the fees set forth in RCW 46.16.070, there shall be paid and collected annually upon registration, a fee of one dollar for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, notwithstanding the provisions of RCW 46.16.070.

(2) In addition to the fees set forth in RCW 46.16.085, there shall be paid and collected annually upon registration, a fee of one dollar for each trailer, semitrailer, and pole trailer, notwithstanding the provisions of RCW 46.16.085.

(3) The proceeds from the fees collected under subsections (1) and (2) of this section shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor under RCW 46.01.140, the proceeds shall be credited to the current county expense fund.

[1996 c 315 § 4.]

Notes:

Effective dates--1996 c 315 §§ 1, 4, 5: See note following RCW 46.01.140.

RCW 46.16.073 Federal heavy vehicle use tax.

Applicable Cases

The department may refuse registration of a vehicle if the applicant has failed to furnish proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section

4481 of the internal revenue code of 1954 has been paid.

The department may adopt rules as deemed necessary to administer this section.

[1985 c 79 § 1.]

RCW 46.16.079 Fixed load motor vehicle equipped for lifting or towing--Capacity fee in addition to and in lieu.

Applicable Cases

The licensee of any fixed load motor vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a capacity fee of twenty-five dollars in addition to all other fees required for the annual licensing of motor vehicles in lieu of the licensing fees provided in RCW 46.16.070.

[1986 c 18 § 5; 1975 c 25 § 16; 1963 c 18 § 1.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.085 Commercial trailers, pole trailers--Fee in lieu.

Applicable Cases

In lieu of all other licensing fees, an annual license fee of thirty-six dollars shall be collected in addition to the excise tax prescribed in chapter 82.44 RCW for: (1) Each trailer and semitrailer not subject to the license fee under RCW 46.16.065 or the capacity fees under *RCW 46.16.080; (2) every pole trailer. The proceeds from this fee shall be distributed in accordance with RCW 46.68.035. This section does not pertain to travel trailers or personal use trailers that are not used for commercial purposes or owned by commercial enterprises.

[1991 c 163 § 3; 1989 c 156 § 2; 1987 c 244 § 4; 1986 c 18 § 8; 1985 c 380 § 16.]

Notes:

***Reviser's note:** RCW 46.16.080 was repealed by 1994 c 262 § 28, effective July 1, 1994.

Application--1989 c 156: See note following RCW 46.16.070.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Additional plate fee: RCW 46.16.650.

RCW 46.16.088 Transfer of license plates--Penalty.

Applicable Cases

Except as provided in RCW 46.16.290, the transfer of license plates issued pursuant to this chapter between two or more vehicles is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate has been transferred between two or more vehicles shall confiscate the license plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate upon application by the owner or owners thereof and payment of the full fees and taxes.

[1986 c 18 § 9; 1985 c 380 § 17.]

Notes:

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

RCW 46.16.090 Gross weight fees on farm vehicles--Penalty.

Applicable Cases

Motor trucks, truck tractors, and tractors may be specially licensed based on the declared gross weight thereof for the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-three dollars; divide the difference by two and add twenty-three dollars, when such vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such vehicles are to be used for the transportation of the farmer's own farm, orchard, or dairy products, or the farmer's own private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse, and of supplies to be used on the farmer's farm. Fish other than those that are such private sector cultured aquatic products and forestry products are not considered as farm products; and/or

(2) When such vehicles are to be used for the infrequent or seasonal transportation by one farmer for another farmer in the farmer's neighborhood of products of the farm, orchard, dairy, or aquatic farm owned by the other farmer from point of production to market or warehouse, or supplies to be used on the other farm, but only if transportation for another farmer is for compensation other than money. Farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on such vehicles, when used in the transportation of the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles from the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicle for such designation.

Operation of such a specially licensed vehicle in transportation upon public highways in violation of the limitations of this section is a traffic infraction.

[1989 c 156 § 3; 1986 c 18 § 10. Prior: 1985 c 457 § 16; 1985 c 380 § 18; 1979 ex.s. c 136 § 45; 1977 c 25 § 1; 1969 ex.s. c 169 § 1; 1961 c 12 § 46.16.090; prior: 1957 c 273 § 13; 1955 c 363 § 6; prior: 1953 c 227 § 1; 1951 c 269 § 12; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

Notes:

Application--1989 c 156: See note following RCW 46.16.070.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Unprocessed agricultural products, license for transport: RCW 20.01.120.

RCW 46.16.111 Gross weight, how computed.

Applicable Cases

The gross weight in the case of any motor truck, tractor, or truck tractor shall be the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed thereby, to which shall be added the weight of the maximum load to be carried thereon or towed thereby as set by the licensee in the application if it does not exceed the weight limitations prescribed by chapter 46.44 RCW. If the sum of the scale weight and maximum load of the trailer is not greater than four thousand pounds, that sum shall not be computed as part of the gross weight of any motor truck, tractor, or truck tractor. Where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer, for the personal use of the owner of the truck, tractor, or truck tractor, and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the gross weight of any motor truck, tractor, or truck tractor. The weight of any camper is exempt from the determination of gross weight in the computation of any licensing fees required under RCW 46.16.070.

The gross weight in the case of any bus, auto stage, or for hire vehicle, except taxicabs, with a seating capacity over six, shall be the scale weight of each bus, auto stage, and for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.16.070, it shall be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

[1987 c 244 § 5; 1986 c 18 § 11; 1971 ex.s. c 231 § 1; 1969 ex.s. c 170 § 6; 1967 ex.s. c 83 § 57.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--1971 c 231: See note following RCW 46.01.130.

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.121 Seating capacity fees on stages, for hire vehicles.

Applicable Cases

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with a seating capacity of six or less the sum of fifteen dollars.

[1967 ex.s. c 83 § 58.]

Notes:

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.125 Mileage fees on stages--Penalty.

Applicable Cases

In addition to the fees required by RCW 46.16.070, operators of auto stages with seating capacity over six shall pay, at the time they file gross earning returns with the utilities and transportation commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state. However, in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane, or propane, the payment required in this section is twenty cents per one hundred miles of such operation. The commission shall transmit all sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section is subject to a penalty of one hundred percent of the payment due in this section, in addition to any penalty provided for failure to submit a report. Any penalties so collected shall be credited to the public service revolving fund.

[1997 c 215 § 2; 1967 ex.s. c 83 § 60; 1961 c 12 § 46.16.125. Prior: 1951 c 269 § 14.]

Notes:

Severability--Effective dates--1967 ex.s. c 83: See RCW 47.26.900 and 47.26.910.

RCW 46.16.135 Monthly license fee--Penalty.

Applicable Cases

The annual vehicle licensing fees as provided in RCW 46.16.070 for any motor vehicle or combination of vehicles having a declared gross weight in excess of twelve thousand pounds may be paid for any full registration month or months at one-twelfth of the usual annual fee plus two dollars, this sum to be multiplied by the number of full months for which the fees are paid if for less than a full year. An additional fee of two dollars shall be collected each time a license fee is paid.

Operation of a vehicle licensed under the provisions of this section by any person upon the public highways after the expiration of the monthly license is a traffic infraction, and in addition the person shall be required to pay a license fee for the vehicle involved covering an entire registration year's operation, less the fees for any registration month or months of the registration year already paid. If, within five days, no license fee for a full registration year has been paid as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

[1986 c 18 § 12; 1985 c 380 § 19; 1979 ex.s. c 136 § 46; 1979 c 134 § 1; 1975-'76 2nd ex.s. c 64 § 3; 1975 1st ex.s. c 118 § 6; 1969 ex.s. c 170 § 7; 1961 c 12 § 46.16.135. Prior: 1951 c 269 § 16.]

Notes:

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.140 Overloading licensed capacity--Additional license--Penalties--Exceptions.

Applicable Cases

It is a traffic infraction for any person to operate, or cause, permit, or suffer to be operated upon a public highway of this state any bus, auto stage, motor truck, truck tractor, or tractor, with passengers, or with a maximum gross weight, in excess of that for which the motor vehicle or combination is licensed.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, truck tractor, or tractor with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight, and any failure to secure such new license is a traffic infraction. No such person may be permitted or required to purchase the new license for a gross weight or combined gross weight which would exceed the maximum gross weight or combined gross weight allowed by law. This section does not apply to for hire vehicles, buses, or auto stages operating principally within cities and towns.

[1986 c 18 § 13; 1979 ex.s. c 136 § 47; 1961 c 12 § 46.16.140. Prior: 1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.145 Overloading licensed capacity--Penalties.

Applicable Cases

Any person violating any of the provisions of RCW 46.16.140 shall, upon a first offense, pay a penalty of not less than twenty-five dollars nor more than fifty dollars; upon a second offense pay a penalty of not less than fifty dollars nor more than one hundred dollars, and in addition the court may suspend the certificate of license registration of the vehicle for not more than thirty days; upon a third and subsequent offense pay a penalty of not less than one hundred dollars nor more than two hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

[1979 ex.s. c 136 § 48; 1975-'76 2nd ex.s. c 64 § 5; 1961 c 12 § 46.16.145. Prior: 1951 c 269 § 19; 1937 c 188 § 25, part; RRS § 6312-25, part.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.16.150 School buses exempt from load and seat capacity fees.

Applicable Cases

No provision of the law of this state shall be construed to require for hire vehicle license

or adult seating capacity fees, either directly or indirectly for the transportation of school children or teachers, or both, to and from school and other school activities, or either, whether the same be done in motor vehicles owned, leased, rented or used by the school authority or upon contract to furnish such transportation: PROVIDED, That this section shall apply to vehicles used exclusively for the purpose set forth and in the event that any vehicle so used is also used for any other purpose, such vehicle shall be appropriately licensed for such other purpose, as required by this chapter.

[1961 c 12 § 46.16.150. Prior: 1937 c 188 § 22; RRS § 6312-22.]

RCW 46.16.160 Vehicle trip permits--Restrictions and requirements--Fees and taxes--Penalty--Rules.

Applicable Cases

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department.

For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

[1999 c 270 § 1; 1996 c 184 § 2; 1993 c 102 § 2; 1987 c 244 § 6; 1981 c 318 § 1; 1977 ex.s. c 22 § 5; 1975-'76 2nd ex.s. c 64 § 6; 1969 ex.s. c 170 § 8; 1961 c 306 § 1; 1961 c 12 § 46.16.160. Prior: 1957 c 273 § 3; 1955 c 384 § 17; 1949 c 174 § 1; 1947 c 176 § 1; 1937 c 188 § 24; Rem. Supp. 1949 § 6312-24.]

Notes:

Effective date--1996 c 184: See note following RCW 46.16.010.

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.16.170 Marking gross weight on vehicle.

Applicable Cases

Every motor truck, truck tractor, and tractor with a licensed gross weight in excess of ten thousand pounds, shall have painted or stenciled upon the outside thereof, in a conspicuous place, in letters not less than two inches high, the maximum gross weight or combined gross weight for which the same is licensed, as provided in this chapter. It is unlawful for the owner or operator of any vehicle to display a maximum gross weight or combined gross weight other than that shown on the current certificate of license registration of the vehicle.

[1988 c 56 § 2; 1986 c 18 § 14; 1961 c 12 § 46.16.170. Prior: 1937 c 188 § 19; RRS § 6312-19.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.180 Unlawful to carry passengers for hire without license.

Applicable Cases

It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire.

[1961 c 12 § 46.16.180. Prior: 1937 c 188 § 20; RRS § 6312-20.]

RCW 46.16.200 Applications to agents--Transmittal to director.

Applicable Cases

Upon receipt by agents of the director, including county auditors, of original applications for vehicle license accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director.

[1961 c 12 § 46.16.200. Prior: 1955 c 259 § 1; 1955 c 89 § 4; 1947 c 164 § 10; 1937 c 188 § 33; Rem. Supp. 1947 § 6312-33; 1921 c 96 § 6, part; 1917 c 155 § 4, part; 1915 c 142 § 6, part; RRS § 6317, part.]

RCW 46.16.210 Original applications--Renewals--Fees--Preissuance, when.

Applicable Cases

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal renewal period of a vehicle license may secure renewal of such vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or the director's agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington or a governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

[1997 c 241 § 8; 1994 c 262 § 9; 1977 c 8 § 1. Prior: 1975 1st ex.s. c 169 § 6; 1975 1st ex.s. c 118 § 8; 1969 ex.s. c 75 § 1; 1961 c 12 § 46.16.210; prior: 1957 c 273 § 5; 1955 c 89 § 2; 1953 c 252 § 3; 1947 c 164 § 11; 1937 c 188 § 34; Rem. Supp. 1947 § 6312-34.]

Notes:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.
Rental cars: RCW 46.87.023, 82.44.023.

RCW 46.16.212 Notice of liability insurance requirement.

Applicable Cases

The department of licensing shall notify the public of the requirements of RCW 46.30.020 through 46.30.040 at the time of new vehicle registration and when the department sends a registration renewal notice.

[1989 c 353 § 10.]

Notes:

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.16.216 Payment of parking fines required for renewal.

Applicable Cases

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department one hundred twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a fifteen dollar surcharge.

(2) The surcharge shall be allocated as follows:

(a) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

[1990 2nd ex.s. c 1 § 401; 1984 c 224 § 1.]

Notes:

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Severability--1984 c 224: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 224 § 5.]

Effective date--1984 c 224: "This act shall take effect on July 1, 1984." [1984 c 224 § 6.]

RCW 46.16.220 Time of renewal of licenses--Duration.

Applicable Cases

Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later.

[1997 c 241 § 9; 1991 c 339 § 20; 1975 1st ex.s. c 118 § 9; 1969 ex.s. c 170 § 9; 1961 c 12 § 46.16.220. Prior: 1957 c 261 § 8; 1955 c 89 § 1; 1953 c 252 § 4; 1947 c 164 § 12; 1937 c 188 § 35; Rem. Supp. 1947 § 6312-35; 1921 c 96 § 7, part; RRS § 6318, part; 1921 c 6 § 1, part; 1916 c 142 § 7, part.]

Notes:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.225 Adjustment of vehicle registration periods to stagger renewal periods.

Applicable Cases

Notwithstanding any provision of law to the contrary, the department may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. Such extension or diminishment of a vehicle license registration period shall be by rule of the department adopted in accordance with the provisions of chapter 34.05 RCW. The rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into the system. The rules shall provide for the collection of proportionately increased or decreased vehicle license registration fees and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

[1986 c 18 § 15; 1979 c 158 § 140; 1975 1st ex.s. c 118 § 2.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

RCW 46.16.230 License plates furnished.

Applicable Cases

The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

[1992 c 7 § 41; 1975 c 25 § 19; 1961 c 12 § 46.16.230. Prior: 1957 c 261 § 9; 1949 c 90 § 1; 1939 c 182 § 5; 1937 c 188 § 28; Rem. Supp. 1949 § 6312-28; 1921 c 96 § 12; 1921 c 6 § 2; 1919 c 59 § 7; 1917 c 155 § 8; 1915 c 142 § 12; RRS § 6323.]

RCW 46.16.233 Standard background--Periodic replacement.

Applicable Cases

Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the

department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

[1997 c 291 § 2.]

RCW 46.16.235 State name not abbreviated.

Applicable Cases

Vehicle license number plates issued by the state of Washington commencing with the next general issuance of such plates shall be so designed as to designate the name of the state of Washington in full without abbreviation.

[1965 ex.s. c 78 § 2.]

RCW 46.16.237 Reflectorized materials--Fee.

Applicable Cases

All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with fully reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of fifty cents and for each set of two plates, the sum of one dollar: PROVIDED, HOWEVER, One plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund.

[1987 c 52 § 1; 1967 ex.s. c 145 § 60.]

Notes:

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.16.240 Attachment of plates to vehicles--Violations enumerated.

Applicable Cases

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. License plate

frames may be used on vehicle license number plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the plates can be plainly seen and read at all times. It is unlawful to use any holders, frames, or any materials that in any manner change, alter, or make the vehicle license number plates illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

[1987 c 330 § 704; 1987 c 142 § 3; 1969 ex.s. c 170 § 10; 1967 c 32 § 18; 1961 c 12 § 46.16.240. Prior: 1947 c 89 § 1; 1937 c 188 § 36; Rem. Supp. 1947 § 6312-36.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Reviser's note: This section was amended by 1987 c 142 § 3 and by 1987 c 330 § 704, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.16.260 License registration certificate--Signature required--Carried in vehicle--Penalty--Inspection--Exception.

Applicable Cases

A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the department. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration. This section does not apply to a vehicle for which annual renewal of its license plates is not required and which is marked in accordance with the provisions of RCW 46.08.065.

[1986 c 18 § 16; 1979 ex.s. c 113 § 3; 1969 ex.s. c 170 § 11; 1967 c 32 § 19; 1961 c 12 § 46.16.260. Prior: 1955 c 384 § 18; 1937 c 188 § 8; RRS § 6312-8.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.265 Replacement certificate.

Applicable Cases

If a certificate of license registration is lost, stolen, mutilated, or destroyed or becomes illegible, the registered owner or owners, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty-five cents in addition to all other fees and upon furnishing information satisfactory to the department. The duplicate of the license registration shall contain the legend, "duplicate."

A person recovering an original certificate of license registration for which a duplicate

has been issued shall promptly surrender the original certificate to the department.

[1997 c 241 § 6.]

RCW 46.16.270 Replacement of plates--Fee.

Applicable Cases

The total replacement plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of three dollars per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140. For vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

[1997 c 291 § 3; 1990 c 250 § 32; 1987 c 178 § 2. Prior: 1986 c 280 § 4; 1986 c 30 § 3; 1975 1st ex.s. c 169 § 7; 1965 ex.s. c 78 § 1; 1961 c 12 § 46.16.270; prior: 1951 c 269 § 6; 1947 c 164 § 13; 1937 c 188 § 37; Rem. Supp. 1947 § 6312-37; 1929 c 99 § 6; 1921 c 96 § 14; 1919 c 59 § 8; 1915 c 142 § 14; RRS § 6325.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.276 Implementing rules.

Applicable Cases

The director may make and enforce rules to implement this chapter.

[1986 c 30 § 4.]

RCW 46.16.280 Sale, loss, or destruction of commercial vehicle--Credit for unused

fee--Change in license classification.

Applicable Cases

In case of loss, destruction, sale, or transfer of any motor vehicle with a registered gross weight in excess of twelve thousand pounds and subject to the license fees under RCW 46.16.070, the registered owner thereof may, under the following conditions, obtain credit for the unused portion of the licensing fee paid for the vehicle or may transfer such credit to the new owner if desired:

(1) The licensing fee paid for the motor vehicle will be reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first month of the current registration year in which the motor vehicle was registered and the month the registrant surrenders the vehicle's registration certificate for the registration year to the department or an authorized agent of the department.

(2) If any such credit is less than fifteen dollars, no credit may be given.

(3) The credit may only be applied against the licensing fee liability due under RCW 46.16.070 for the replacement motor vehicle or if such credit was transferred to the new owner, it shall remain with the vehicle. The credit may only be used during the registration year from which it was obtained.

(4) In no event is such credit subject to refund.

Whenever any vehicle has been so altered as to change its license classification in such a manner that the vehicle license number plates are rendered improper, the current license plates shall be surrendered to the department. New license plates shall be issued upon application accompanied by a one dollar fee in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the department and forwarded with the proper fee to the department or the office of a duly authorized agent of the department.

[1987 c 244 § 7; 1986 c 18 § 17; 1967 c 32 § 20; 1961 c 12 § 46.16.280. Prior: 1947 c 164 § 14; 1937 c 188 § 38; Rem. Supp. 1947 § 6312-38.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.290 License certificate and plates follow vehicle on transfer--Exceptions.

Applicable Cases

In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, or other special license

plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred.

[1997 c 291 § 4; 1986 c 18 § 18; 1983 c 27 § 2; 1961 c 12 § 46.16.290. Prior: 1937 c 188 § 39; RRS § 6312-39; 1931 c 138 § 2; 1929 c 99 § 3; 1921 c 96 § 8; 1919 c 59 § 5; 1917 c 155 § 5; 1915 c 142 § 8; RRS § 6319.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

RCW 46.16.301 Baseball stadium license plates.

Applicable Cases

The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates shall commemorate the construction of a baseball stadium, as defined in RCW 82.14.0485. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

[1997 c 291 § 5; 1995 3rd sp.s. c 1 § 102; 1994 c 194 § 2; 1990 c 250 § 1.]

Notes:

Part headings not law--Effective date--1995 3rd sp.s. c 1: See notes following RCW 82.14.0485.

Effective dates--1990 c 250 §§ 1-13: "Sections 1 through 9, and 11 through 13 of this act shall take effect on January 1, 1991. Section 10 of this act shall take effect on July 1, 1990." [1990 c 250 § 93.]

Severability--1990 c 250: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 250 § 92.]

State contribution for baseball stadium limited: RCW 82.14.0486.

RCW 46.16.305 Special license plates--Continuance of earlier issues--Conditions for current issues.

Applicable Cases

The department shall continue to issue the categories of special plates issued by the department under the sections repealed under section 12 (1) through (7), chapter 250, Laws of 1990. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of licensing fees and motor vehicle excise tax.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

- (a) Is a resident of this state;
- (b) Was a member of the United States Armed Forces on December 7, 1941;
- (c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;
- (d) Received an honorable discharge from the United States Armed Forces; and
- (e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates.

(5) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of RCW 46.16.316(1).

[1997 c 291 § 6; 1997 c 241 § 10; 1990 c 250 § 2.]

Notes:

Reviser's note: This section was amended by 1997 c 241 § 10 and by 1997 c 291 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Finding--1997 c 291: "The legislature finds that the proliferation of special license plate series has decreased the ready identification of vehicles by law enforcement, and increased the amount of computer programming conducted by the department of licensing, thereby increasing costs. Furthermore, rarely has the actual demand for special license plates met the requesters' projections. Most importantly, special plates detract from the primary purpose of license plates, that of vehicle identification." [1997 c 291 § 1.]

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.307 Collectors' vehicles--Use restrictions.

Applicable Cases

A collectors' vehicle licensed under RCW 46.16.305(1) may only be used for participation in club activities, exhibitions, tours, parades, and occasional pleasure driving.

[1996 c 225 § 11.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.16.309 Special license plates--Application.

Applicable Cases

Persons applying to the department for special license plates shall apply on forms obtained from the department and in accordance with RCW 46.16.040. The applicant shall provide all information as is required by the department in order to determine the applicant's eligibility for the special license plates.

[1997 c 291 § 7; 1990 c 250 § 3.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.313 Special license plates--Fees.

Applicable Cases

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Effective with vehicle registrations due or to become due on January 1, 1998, in addition to all fees and taxes required to be paid upon application and registration of a motor

vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(5) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

[1997 c 291 § 8; 1996 c 165 § 506; 1995 3rd sp.s. c 1 § 103; 1994 c 194 § 4; 1990 c 250 § 4.]

Notes:

Severability--1996 c 165: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1996 c 165 § 510.]

Effective date--1996 c 165: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1996]." [1996 c 165 § 511.]

Part headings not law--Effective date--1995 3rd sp.s. c 1: See notes following RCW 82.14.0485.

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

State contribution for baseball stadium limited: RCW 82.14.0486.

RCW 46.16.314 Special license plates--Authority to continue.

Applicable Cases

After a period of three years from the initial issuance of a special license plate series, the department has the sole discretion, based upon the number of sales to date, to determine whether or not to continue issuing the special series.

[1997 c 291 § 9.]

RCW 46.16.316 Special license plates--Transfer of vehicle--Replacement plates.

Applicable Cases

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of five dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

[1997 c 291 § 10; 1990 c 250 § 5.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.319 Veterans and military personnel--Emblems.

Applicable Cases

(1) Veterans discharged under honorable conditions (veterans) and individuals serving on active duty in the United States armed forces (active duty military personnel) may purchase a veterans remembrance emblem or campaign medal emblem. The emblem is to be displayed on vehicle license plates in the manner described by the department, existing vehicular licensing procedures, and current laws.

(2) Veterans and active duty military personnel who served during periods of war or armed conflict may purchase a remembrance emblem depicting campaign ribbons which they were awarded.

(3) The following campaign ribbon remembrance emblems are available:

- (a) World War I victory medal;
- (b) World War II Asiatic-Pacific campaign medal;
- (c) World War II European-African Middle East campaign medal;
- (d) World War II American campaign medal;
- (e) Korean service medal;
- (f) Vietnam service medal;
- (g) Armed forces expeditionary medal awarded after 1958; and
- (h) Southwest Asia medal.

The director may issue additional campaign ribbon emblems by rule as authorized decorations by the United States department of defense.

(4) Veterans or active duty military personnel requesting a veteran remembrance emblem or campaign medal emblem or emblems must:

(a) Pay a prescribed fee set by the department; and

(b) Show proof of eligibility through:

(i) Providing a DD-214 or discharge papers if a veteran;

(ii) Providing a copy of orders awarding a campaign ribbon if an individual serving on military active duty; or

(iii) Attesting in a notarized affidavit of their eligibility as required under this section.

(5) Veterans or active duty military personnel who purchase a veteran remembrance emblem or a campaign medal emblem must be the legal or registered owner of the vehicle on which the emblem is to be displayed.

[1997 c 234 § 1; 1991 c 339 § 11; 1990 c 250 § 6.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.324 Collegiate license plates.

Applicable Cases

Effective January 1, 1995, a state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form prescribed by the department, and request the department to issue a series of collegiate license plates depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

[1994 c 194 § 3.]

RCW 46.16.327 License plate emblems--Material, display requirements.

Applicable Cases

Vehicle license plate emblems and veteran remembrance emblems shall use fully reflectorized materials designed to provide visibility at night. Emblems shall be designed to be affixed to a vehicle license number plate by pressure-sensitive adhesive so as not to obscure the plate identification numbers or letters.

Emblems will be issued for display on the front and rear license number plates. Single emblems will be issued for vehicles authorized to display one license number plate.

[1990 c 250 § 8.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.332 License plate emblems--Fees.

Applicable Cases

(1) The director may adopt fees to be charged by the department for emblems issued by the department under RCW 46.16.319.

(2) The fee for each remembrance emblem issued under RCW 46.16.319 shall be in an amount sufficient to offset the costs of production of remembrance emblems and the administration of that program by the department plus an amount for use by the department of veterans affairs, not to exceed a total fee of twenty-five dollars per emblem.

(3) The veterans' emblem account is created in the custody of the state treasurer. All receipts by the department from the issuance of remembrance emblems under RCW 46.16.319 shall be deposited into this fund. Expenditures from the fund may be used only for the costs of production of remembrance emblems and administration of the program by the department of licensing, with the balance used only by the department of veterans affairs for projects that pay tribute to those living veterans and to those who have died defending freedom in our nation's wars and conflicts and for the upkeep and operations of existing memorials, as well as for planning, acquiring land for, and constructing future memorials. Only the director of licensing, the director of veterans affairs, or their designees may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

[1994 c 194 § 5; 1990 c 250 § 9.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.335 Special license plates and emblems--Rules.

Applicable Cases

The director shall adopt rules to implement RCW 46.16.301 through 46.16.332, including setting of fees.

[1990 c 250 § 10.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.16.340 Amateur radio operator plates--Information furnished to various agencies.

Applicable Cases

The director, from time to time, shall furnish the state military department, the department of community, trade, and economic development, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

[1995 c 391 § 8; 1986 c 266 § 49; 1985 c 7 § 112; 1974 ex.s. c 171 § 43; 1967 c 32 § 23; 1961 c 12 § 46.16.340. Prior: 1957 c 145 § 3.]

Notes:

Effective date--1995 c 391: See note following RCW 38.52.005.

Severability--1986 c 266: See note following RCW 38.52.005.

RCW 46.16.350 Amateur radio operator plates--Expiration or revocation of radio license--Penalty.

Applicable Cases

Any radio amateur operator who holds a special call letter license plate as issued under RCW 46.16.305, and who has allowed his or her federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his or her call letter license plate. Failure to do so is a traffic infraction.

[1997 c 291 § 11; 1990 c 250 § 11; 1979 ex.s. c 136 § 49; 1967 c 32 § 24; 1961 c 12 § 46.16.350. Prior: 1957 c 145 § 4.]

Notes:

Effective dates--1990 c 250 §§ 1-13: See note following RCW 46.16.301.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.371 Special plates for honorary consul, foreign government representative.

Applicable Cases

(1) Every honorary consul or official representative of any foreign government who is a citizen or resident of the United States of America, duly licensed and holding an exequatur issued by the department of state of the United States of America is entitled to apply to the director for, and upon satisfactory showing, and upon payment of regular license fees and excise tax, to receive, in lieu of the regular motor vehicle license plates, such special plates of a distinguishing color and running in a separate numerical series, as the director shall prescribe. Application for renewal of the license plates shall be as prescribed for the license renewal of other vehicles.

(2) Whenever the owner or lessee as provided in subsection (1) of this section transfers or assigns his interest or title in the motor vehicle to which the special plates were attached, the plates shall be removed from the motor vehicle, and if another vehicle is acquired, attached thereto, and the director shall be immediately notified of the transfer of the plates; otherwise the removed plates shall be immediately forwarded to the director to be destroyed. Whenever the

owner or lessee as provided in subsection (1) of this section is for any reason relieved of his duties as an honorary consul or official representative of a foreign government, he shall immediately forward the special plates to the director, who shall upon receipt thereof provide such plates as are otherwise provided by law.

[1987 c 237 § 1.]

RCW 46.16.374 Taipei Economic and Cultural Office--Special plates.

Applicable Cases

(1) If the eligible applicant bears the entire cost of plate production, the department shall provide for the issuance of special license plates, in lieu of regular motor vehicle license plates, for passenger vehicles having manufacturers' rated carrying capacities of one ton or less that are owned or leased by an officer of the Taipei Economic and Cultural Office. The department shall issue the special license plates in a distinguishing color, running in a separate numerical series, and bearing the words "Foreign Organization." A vehicle for which special license plates are issued under this section is exempt from regular license fees under RCW 46.16.060, excise tax under RCW 82.44.020, and any additional vehicle license fees imposed under RCW 82.80.020.

(2) Whenever the owner or lessee as provided in subsection (1) of this section transfers or assigns the interest or title in the motor vehicle for which the special plates were issued, the plates must be removed from the motor vehicle, and if another qualified vehicle is acquired, attached to that vehicle, and the director must be immediately notified of the transfer of the plates; otherwise the removed plates must be immediately forwarded to the director to be destroyed. Whenever the owner or lessee as provided in subsection (1) of this section is for any reason relieved of his or her duties as a representative of a recognized foreign organization, he or she shall immediately forward the special plates to the director, who shall upon receipt dispose of the plates as otherwise provided by law.

[1996 c 139 § 1.]

RCW 46.16.376 Taipei Economic and Cultural Office--Fee exemption.

Applicable Cases

A motor vehicle owned or leased by an officer of the Taipei Economic and Cultural Office eligible for a special license plate under RCW 46.16.374 is exempt from the payment of license fees for the licensing of the vehicle as provided in this chapter.

[1996 c 139 § 2.]

RCW 46.16.381 Special parking privileges for disabled persons--Penalties--Enforcement.

Applicable Cases

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic

condition;

(c) Is so severely disabled, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall document that the disability is comparable in severity to the others listed in this subsection.

(2) The applications for disabled parking permits and temporary disabled parking permits are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's signature and immediately below the applicant's signature: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification card shall be issued no later than January 1, 2000, to all persons who are issued parking placards, including those issued for temporary disabilities, and special disabled parking license plates. By July 1, 2001, the department shall incorporate a photograph of the holder of the disabled parking permit into all special identification cards issued after that date. The department, in conjunction with the governor's committee on disability issues and employment, shall assess options for issuing a photo identification card to each person who qualifies for a permanent parking placard, a temporary parking placard, or a special disabled parking license plate and report findings to the legislative transportation committee no later than December 31, 2000. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of regular motor vehicle license plates, disabled persons are entitled to receive special license plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a

vehicle displaying the special license plates or placard may park in places reserved for mobility disabled persons. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding homes, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The permanent parking placard and identification card of a disabled person shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its disabled permit data base with available death record information at least every twelve months.

(6) Each person who has been issued a permanent disabled parking permit on or before July 1, 1998, must renew the permit no later than July 1, 2003, subject to a schedule to be set by the department, or the permit will expire.

(7) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(8) Any unauthorized use of the special placard, special license plate, or identification card is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a

person to make inaccessible the access aisle located next to a space reserved for physically disabled persons. The clerk of the court shall report all violations related to this subsection to the department.

(10) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate or placard required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for physically disabled persons may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards. All time restrictions must be clearly posted.

(11) The penalties imposed under subsections (9) and (10) of this section shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(12) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or identification card in a manner other than that established under this section.

(13)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(14) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community service for a nonprofit organization that serves the disabled community or persons having disabling diseases; or

(b) Any other community service that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(15) The court may not suspend more than one-half of any fine imposed under subsection (8), (9), (10), or (12) of this section.

[1999 c 136 § 1; 1998 c 294 § 1; 1995 c 384 § 1; 1994 c 194 § 6; 1993 c 106 § 1; 1992 c 148 § 1; 1991 c 339 § 21; 1990 c 24 § 1; 1986 c 96 § 1; 1984 c 154 § 2.]

Notes:

Intent--1984 c 154: "The legislature intends to extend special parking privileges to persons with disabilities that substantially impair mobility." [1984 c 154 § 1.]

Application--1984 c 154: "This act applies to special license plates, cards, or decals issued after June 7, 1984. Nothing in this act invalidates special license plates, cards, or decals issued before June 7, 1984." [1984 c 154 § 9.]

Severability--1984 c 154: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 154 § 10.]

Accessible parking spaces required: RCW 70.92.140.

RCW 46.16.390 Special plate or card issued by another jurisdiction.

Applicable Cases

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof.

[1991 c 339 § 22; 1984 c 51 § 1.]

RCW 46.16.450 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate.

Applicable Cases

See RCW 46.12.240.

RCW 46.16.460 Nonresident members of armed forces--Issuance of temporary license.

Applicable Cases

Upon the payment of a fee of ten dollars therefor, the department of licensing shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.

[1979 c 158 § 141; 1967 c 202 § 4.]

RCW 46.16.470 Temporary license--Display.

Applicable Cases

The temporary license provided for in RCW 46.16.460 shall be carried on the interior of the motor vehicle in such a way as to be clearly visible from outside the vehicle.

[1967 c 202 § 5.]

RCW 46.16.480 Nonresident members of armed forces--Exemption from sales, use, or

motor vehicle excise taxes--Extent of exemption.

Applicable Cases

The original purchaser of a motor vehicle, for which a temporary license as provided in RCW 46.16.460 has been issued, shall not be subject to the sales tax, use tax, or motor vehicle excise tax during the effective period of such license or thereafter unless the motor vehicle, after the effective period of such license, is still in this state or within a period of one year after the effective period of such license is returned to this state.

[1967 c 202 § 6.]

Notes:

Motor vehicle excise tax: Chapter 82.44 RCW.

RCW 46.16.490 Nonresident members of armed forces--Rules and regulations--Proof.

Applicable Cases

The department of licensing shall prescribe rules and regulations governing the administration of RCW 46.16.460 through 46.16.490. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted.

[1979 c 158 § 142; 1967 c 202 § 7.]

RCW 46.16.500 Liability of operator, owner, lessee for violations.

Applicable Cases

Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

[1980 c 104 § 3; 1969 ex.s. c 69 § 2.]

RCW 46.16.505 Campers--License and plates--Application--Fee.

Applicable Cases

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: PROVIDED, HOWEVER, That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) Such other information as the director requires.

There shall be paid and collected annually for each registration year or fractional part thereof and upon each camper a license fee or, if the camper was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of four dollars and ninety cents, and such renewal license fee shall be in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

[1975 1st ex.s. c 118 § 11; 1975 c 41 § 1; 1971 ex.s. c 231 § 7.]

Notes:

Effective date--Severability--1975 1st ex.s. c 118: See notes following RCW 46.16.006.

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

Additional plate fee: RCW 46.16.650.

RCW 46.16.560 Personalized license plates--Defined.

Applicable Cases

Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the vehicle or camper for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle or camper in accordance with this chapter.

[1975 c 59 § 1; 1973 1st ex.s. c 200 § 2.]

Notes:

Personalized license plates--Legislative declaration: "It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the support and aid of the wildlife resources existing within the state of Washington in order that the general welfare of these inhabitants of the state be served. For the purposes of *this chapter, wildlife resources are understood to be those species of wildlife other than that managed by the department of fisheries under their existing jurisdiction as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries. The legislature further finds that the preservation, protection, perpetuation, and enhancement of such wildlife resources of the state is of major concern to it, and that aid for a satisfactory environment and ecological balance in this state for such wildlife resources serves a public interest, purpose, and desire.

It is further declared that such preservation, protection, perpetuation, and enhancement can be fostered through financial support derived on a voluntary basis from those citizens of the state of Washington who wish to assist in such objectives; that a desirable manner of accomplishing this is through offering personalized license plates for certain vehicles and campers the fees for which are to be directed to the state treasury to the credit of the state **game fund for the furtherance of the programs, policies, and activities of the state **game department in preservation, protection, perpetuation, and enhancement of the wildlife resources that abound within the

geographical limits of the state of Washington.

In particular, the legislature recognizes the benefit of this program to be specifically directed toward those species of wildlife including but not limited to song birds, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries that exist within the limits of the state of Washington." [1975 c 59 § 7; 1973 1st ex.s. c 200 § 1. Formerly RCW 77.12.175.]

Reviser's note: *(1) The term "this chapter" refers to chapter 77.12 RCW, where this section was originally codified, pursuant to legislative directive, as RCW 77.12.175. It was subsequently decodified by 1980 c 78 § 32.

***(2) References to the "game fund" and "department of game" mean the "wildlife fund" and "department of wildlife." See note following RCW 77.04.020.

RCW 46.16.565 Personalized license plates--Application.

Applicable Cases

Any person who is the registered owner of a passenger motor vehicle, a motor truck, a trailer, a camper, a private bus, or a motorcycle registered with the department, excluding proportionally registered vehicles, or who makes application for an original registration or renewal registration of such vehicle or camper may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the vehicle or camper for which registration is sought in lieu of the regular license plates.

[1985 c 173 § 1; 1983 c 27 § 4; 1975 c 59 § 2; 1973 1st ex.s. c 200 § 3.]

RCW 46.16.570 Personalized license plates--Design.

Applicable Cases

The personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding seven positions unless proposed by the department and approved by the Washington state patrol and not less than one position, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

[1986 c 108 § 1; 1983 1st ex.s. c 24 § 1; 1975 c 59 § 3; 1973 1st ex.s. c 200 § 4.]

Notes:

Effective dates--1983 1st ex.s. c 24: "Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of state government and its existing public institutions, and shall take effect on July 1, 1983. Section 1 of this act takes effect on July 1, 1984." [1983 1st ex.s. c 24 § 4.] "Section 2 of this act" consisted of the amendment to RCW 46.16.605 by 1983 1st ex.s. c 24. "Section 1 of this act" consisted of the amendment to RCW 46.16.570 by 1983 1st ex.s. c 24.

RCW 46.16.575 Personalized license plates--Issuance to registered owner only.

Applicable Cases

Personalized license plates shall be issued only to the registered owner of a vehicle on

which they are to be displayed.

[1973 1st ex.s. c 200 § 5.]

RCW 46.16.580 Personalized license plates--Application requirements.

Applicable Cases

An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this chapter shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a vehicle license plate number. There shall be no duplication or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in chapter 46.16 RCW.

[1973 1st ex.s. c 200 § 6.]

RCW 46.16.585 Personalized license plates--Fees--Renewal--Penalty.

Applicable Cases

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars: PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976. All personalized license plates must be renewed on an annual basis, regardless of whether a vehicle on which they are displayed will not be driven on public highways or may also be eligible to display permanent license plates valid for the life of such vehicle without annual renewal. Personalized license plates that are not renewed must be surrendered to the department, and failure to do so is a traffic infraction.

[1979 ex.s. c 136 § 51; 1975 c 59 § 4; 1973 1st ex.s. c 200 § 7.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.590 Personalized license plates--Transfer fees.

Applicable Cases

Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired vehicle or camper eligible for personalized license plates, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

[1975 c 59 § 5; 1973 1st ex.s. c 200 § 8.]

RCW 46.16.595 Personalized license plates--Transfer or surrender upon sale or release of vehicle--Penalty.

Applicable Cases

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired vehicle or camper eligible for personalized license plates, pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. Failure to surrender such plates is a traffic infraction.

[1979 ex.s. c 136 § 52; 1975 c 59 § 6; 1973 1st ex.s. c 200 § 9.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.16.600 Personalized license plates--Rules and regulations.

Applicable Cases

The director of licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

[1979 c 158 § 143; 1973 1st ex.s. c 200 § 10.]

RCW 46.16.605 Personalized license plates--Disposition of fees--Costs.

Applicable Cases

All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer and be deposited to the credit of the state wildlife fund to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including but not limited to song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates.

Administrative costs incurred by the department of licensing as a direct result of RCW 46.16.560 through 46.16.605 and 77.12.170 shall be appropriated by the legislature from the state wildlife fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of licensing are less than that which has been appropriated by the legislature the remainder shall revert to the state wildlife fund.

[1988 c 36 § 27; 1983 1st ex.s. c 24 § 2; 1983 c 3 § 118; 1979 c 158 § 144; 1973 1st ex.s. c 200 § 11.]

Notes:

Effective dates--1983 1st ex.s. c 24: See note following RCW 46.16.570.
State wildlife fund: RCW 77.12.170.

RCW 46.16.606 Personalized license plates--Additional fee.

Applicable Cases

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ten dollars shall be charged. The revenue from the additional fee shall be deposited in the state wildlife fund and used for the management of resources associated with the nonconsumptive use of wildlife.

[1991 sp.s. c 7 § 13.]

Notes:

Effective date--1991 sp.s. c 7: See note following RCW 77.32.191.

RCW 46.16.630 Moped registration.

Applicable Cases

Application for registration of a moped shall be made to the department of licensing in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the moped to be registered, the vehicle identification number, and such other information as the department may require, and shall be accompanied by a registration fee of three dollars. Upon receipt of the application and the application fee, the moped shall be registered and a registration number assigned, which shall be affixed to the moped in the manner as provided by rules adopted by the department. The registration provided in this section shall be valid for a period of twelve months.

Every owner of a moped in this state shall renew the registration, in such manner as the department shall prescribe, for an additional period of twelve months, upon payment of a renewal fee of three dollars.

Any person acquiring a moped already validly registered must, within fifteen days of the acquisition or purchase of the moped, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of one dollar and twenty-five cents.

The registration fees provided in this section shall be in lieu of any personal property tax or the vehicle excise tax imposed by chapter 82.44 RCW.

The department shall, at the time the registration number is assigned, make available a decal or other identifying device to be displayed on the moped. A fee of one dollar and fifty cents shall be charged for the decal or other identifying device.

The provisions of RCW 46.01.130 and 46.01.140 shall apply to applications for the issuance of registration numbers or renewals or transfers thereof for mopeds as they do to the issuance of vehicle licenses, the appointment of agents, and the collection of application fees. Except for the fee collected pursuant to RCW 46.01.140, all fees collected under this section shall be deposited in the motor vehicle fund.

[1997 c 241 § 11; 1979 ex.s. c 213 § 5.]

Notes:

Additional plate fee: RCW 46.16.650.

Drivers' license, motorcycle endorsement, moped exemption: RCW 46.20.500.

Operation and safety standards for mopeds: RCW 46.61.710, 46.61.720.

RCW 46.16.640 Wheelchair conveyances.

Applicable Cases

Wheelchair conveyances that are incapable of complying with RCW 46.37.340 shall be licensed in the manner provided for mopeds in RCW 46.16.630.

[1983 c 200 § 2.]

Notes:

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

operator's license: RCW 46.20.109.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

RCW 46.16.650 License plates--Additional fee.

Applicable Cases

In addition to the basic fees for new vehicle registrations provided in RCW 46.16.060, 46.16.065, 46.16.505, and 46.16.630 and the license fees for new vehicle registrations provided in RCW 46.16.070 and 46.16.085, persons purchasing license plates shall pay an additional fee of one dollar per plate, to be deposited in the motor vehicle fund.

[1997 c 291 § 12; 1987 c 178 § 1. Prior: 1986 c 280 § 1.]

RCW 46.16.670 Boat trailers--Fee for freshwater aquatic weeds account.

Applicable Cases

In addition to any other fee required under this chapter, boat trailers shall annually pay a fee of three dollars. The proceeds of this fee shall be deposited in the freshwater aquatic weeds account under RCW 43.21A.650.

[1991 c 302 § 3.]

Notes:

Effective date--1991 c 302: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, except section 3 of this act shall be effective for vehicle registrations that expire August 31, 1992, and thereafter." [1991 c 302 § 6.]

Findings--1991 c 302: See note following RCW 43.21A.650.

Additional plate fee: RCW 46.16.650.

RCW 46.16.680 Kit vehicles.

Applicable Cases

All kit vehicles are licensed as original transactions when first titled in Washington, and the following provisions apply:

(1) The department of licensing shall charge original licensing fees and issue new plates appropriate to the use class.

(2) An inspection by the Washington state patrol is required to determine the correct identification number, and year or make if needed.

(3) The use class is the actual use of the vehicle, i.e. passenger car or truck.

(4) The make shall be listed as "KITV," and the series and body designation must describe what the vehicle looks like, i.e. 48 Bradley GT, 57 MG, and must include the word "replica."

(5) Upon payment of original licensing fees the department may license a kit vehicle under RCW 46.16.305(1) as a street rod if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949.

(6) For a manufactured new vehicle kit and a manufactured body kit, the model year of the vehicle is the year reflected on the manufacturer's certificate of origin for that vehicle. If this is not available, the Washington state patrol shall assign a model year at the time of inspection.

(7) The vehicle identification number (VIN) of a new vehicle kit and body kit is the vehicle identification number as reflected on the manufacturer's certificate of origin. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

[1996 c 225 § 10.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.16.900 Severability--1973 1st ex.s. c 132.

Applicable Cases

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

[1973 1st ex.s. c 132 § 24.]

Chapter 46.20 RCW

DRIVERS' LICENSES--IDENTICARDS DRIVER'S LICENSE AND PERMIT REQUIREMENTS

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Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

DRIVER'S LICENSE AND PERMIT REQUIREMENTS

RCW 46.20.001 License required--Rights and restriction.

Applicable Cases

(1) No person may drive a motor vehicle upon a highway in this state without first obtaining a valid driver's license issued to Washington residents under this chapter. The only exceptions to this requirement are those expressly allowed by RCW 46.20.025.

(2) A person licensed as a driver under this chapter:

(a) May exercise the privilege upon all highways in this state;

(b) May not be required by a political subdivision to obtain any other license to exercise the privilege; and

(c) May not have more than one valid driver's license at any time.

[1999 c 6 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.005 Driving without a license--Misdemeanor, when.

Applicable Cases

Except as expressly exempted by this chapter, it is a misdemeanor for a person to drive any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter. This section does not apply if at the time of the stop the person is not in violation of RCW 46.20.342(1) or *46.20.420 and has in his or her possession an expired driver's license or other valid identifying documentation under RCW 46.20.035. A violation of this section is a lesser included offense within the offenses described in RCW 46.20.342(1) or *46.20.420.

[1997 c 66 § 1.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

RCW 46.20.015 Driving without a license--Traffic infraction, when.

Applicable Cases

(1) Except as expressly exempted by this chapter, it is a traffic infraction and not a misdemeanor under RCW 46.20.005 if a person:

(a) Drives any motor vehicle upon a highway in this state without a valid driver's license issued to Washington residents under this chapter in his or her possession;

(b) Provides the citing officer with an expired driver's license or other valid identifying documentation under RCW 46.20.035 at the time of the stop; and

(c) Is not driving while suspended or revoked in violation of RCW 46.20.342(1) or *46.20.420.

(2) A person who violates this section is subject to a penalty of two hundred fifty dollars. If the person appears in person before the court or submits by mail written proof that he or she obtained a valid license after being cited, the court shall reduce the penalty to fifty dollars.

[1999 c 6 § 4; 1997 c 66 § 2.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.017 Immediate possession and displayed on demand.

Applicable Cases

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. The offense described in this section is a nonmoving offense.

[1979 ex.s. c 136 § 56; 1965 ex.s. c 121 § 15; 1961 c 12 § 46.20.190. Prior: 1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part. Formerly RCW 46.20.190.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Driver's license, duty to display under other circumstances: RCW 46.52.020, 46.61.020, 46.61.021.

RCW 46.20.021 New residents.

Applicable Cases

(1) New Washington residents must obtain a valid Washington driver's license within thirty days from the date they become residents.

(2) To qualify for a Washington driver's license, a person must surrender to the department all valid driver's licenses that any other jurisdiction has issued to him or her. The department must invalidate the surrendered photograph license and may return it to the person.

(a) The invalidated license, along with a valid temporary Washington driver's license provided for in RCW 46.20.065, is proper identification.

(b) The department shall notify the previous issuing department that the licensee is now

licensed in a new jurisdiction.

(3) For the purposes of obtaining a valid driver's license, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring residency for the purpose of obtaining a state license or tuition fees at resident rates.

(4)(a) "Washington public assistance programs" means public assistance programs that receive more than fifty percent of the combined costs of benefits and administration from state funds.

(b) "Washington public assistance programs" does not include:

- (i) The Food Stamp program under the federal Food Stamp Act of 1964;
- (ii) Programs under the Child Nutrition Act of 1966, 42 U.S.C. Secs. 1771 through 1788;
- (iii) Temporary Assistance for Needy Families; and
- (iv) Any other program that does not meet the criteria of (a) of this subsection.

[1999 c 6 § 5. Prior: 1997 c 66 § 3; 1997 c 59 § 8; 1996 c 307 § 5; prior: 1991 c 293 § 3; 1991 c 73 § 1; 1990 c 250 § 33; 1988 c 88 § 1; 1985 c 302 § 2; 1979 ex.s. c 136 § 53; 1965 ex.s. c 121 § 2.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose--Construction--1965 ex.s. c 121: "With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled." [1965 ex.s. c 121 § 1.]

RCW 46.20.022 Unlicensed drivers--Subject to Title 46 RCW.

Applicable Cases

Any person who operates a motor vehicle on the public highways of this state without a driver's license or nonresident privilege to drive shall be subject to all of the provisions of Title 46 RCW to the same extent as a person who is licensed.

[1975-'76 2nd ex.s. c 29 § 1.]

Notes:

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.024.

RCW 46.20.024 Unlawful to allow unauthorized minors to drive.

Applicable Cases

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter.

[1965 ex.s. c 121 § 44. Formerly RCW 46.20.343.]

RCW 46.20.025 Exemptions.

Applicable Cases

The following persons may operate a motor vehicle on a Washington highway without a valid Washington driver's license:

(1) A member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or in the service of the National Guard of this state or any other state, if licensed by the military to operate an official motor vehicle in such service;

(2) A nonresident driver who is at least:

(a) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home state; or

(b) Fifteen years of age with:

(i) A valid instruction permit issued to the driver by his or her home state; and

(ii) A licensed driver who has had at least five years of driving experience occupying a seat beside the driver; or

(c) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home country. A nonresident driver may operate a motor vehicle in this state under this subsection (2)(c) for up to one year;

(3) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(4) Any person while driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or

(5) An operator of a locomotive upon rails, including a railroad crossing over a public highway. A locomotive operator is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

[1999 c 6 § 6; 1993 c 148 § 1; 1979 c 75 § 1; 1965 ex.s. c 121 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.027 Armed forces, dependents.

Applicable Cases

A Washington state motor vehicle driver's license issued to any person serving in the armed forces of the United States, if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably

separated from service in the armed forces of the United States. A Washington state driver's license issued to the spouse or dependent child of such service member likewise remains in full force and effect if the person is residing with the service member.

[1999 c 199 § 1; 1967 c 129 § 1.]

Notes:

Effective date--1999 c 199: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 1999]." [1999 c 199 § 5.]

RCW 46.20.031 Ineligibility.

Applicable Cases

The department shall not issue a driver's license to a person:

- (1) Who is under the age of sixteen years;
- (2) Whose driving privilege has been withheld unless and until the department may authorize the driving privilege under RCW 46.20.311;
- (3) Who has been classified as an alcoholic, drug addict, alcohol abuser, or drug abuser by a program approved by the department of social and health services. The department may, however, issue a license if the person:
 - (a) Has been granted a deferred prosecution under chapter 10.05 RCW; or
 - (b) Is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol or drug abuse problem;
- (4) Who has previously been adjudged to be mentally ill or insane, or to be incompetent due to a mental disability or disease. The department shall, however, issue a license to the person if he or she otherwise qualifies and:
 - (a) Has been restored to competency by the methods provided by law; or
 - (b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;
- (5) Who has not passed the driver's licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;
- (6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department's conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction;
- (8) Who has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for abandonment of a vehicle in violation of RCW 46.55.105, unless:
 - (a) The court has not notified the department of the violation;
 - (b) The department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105; or

(c) The person has paid all monetary penalties owing, including completion of community service, and the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2).

[1999 c 6 § 7; 1995 c 219 § 1; 1993 c 501 § 2; 1985 c 101 § 1; 1977 ex.s. c 162 § 1; 1965 ex.s. c 121 § 4.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.024.

Juvenile driving privileges, alcohol or drug violations: RCW 66.44.365, 69.50.420.

RCW 46.20.035 Proof of identity.

Applicable Cases

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) An Immigration and Naturalization Service form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant.

(4) The form of an applicant's name, as established under this section, must be the person's name of record for the purposes of this chapter.

(5) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

[1999 c 6 § 8; 1998 c 41 § 10; 1993 c 452 § 1.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

RCW 46.20.041 Physically or mentally disabled persons.

Applicable Cases

(1) If the department has reason to believe that a person is suffering from a physical or mental disability or disease that may affect that person's ability to drive a motor vehicle, the department must evaluate whether the person is able to safely drive a motor vehicle. As part of the evaluation:

(a) The department shall permit the person to demonstrate personally that notwithstanding the disability or disease he or she is able to safely drive a motor vehicle.

(b) The department may require the person to obtain a statement signed by a licensed physician or other proper authority designated by the department certifying the person's condition.

(i) The statement is for the confidential use of the director and the chief of the Washington state patrol and for other public officials designated by law. It is exempt from public inspection and copying notwithstanding chapter 42.17 RCW.

(ii) The statement may not be offered as evidence in any court except when appeal is taken from the order of the director canceling or withholding a person's driving privilege. However, the department may make the statement available to the director of the department of retirement systems for use in determining eligibility for or continuance of disability benefits and it may be offered and admitted as evidence in any administrative proceeding or court action concerning the disability benefits.

(2) On the basis of the evaluation the department may:

(a) Issue or renew a driver's license to the person without restrictions;

(b) Cancel or withhold the driving privilege from the person; or

(c) Issue a restricted driver's license to the person. The restrictions must be suitable to the licensee's driving ability. The restrictions may include:

(i) Special mechanical control devices on the motor vehicle operated by the licensee;

(ii) Limitations on the type of motor vehicle that the licensee may operate; or

(iii) Other restrictions determined by the department to be appropriate to assure the licensee's safe operation of a motor vehicle.

(3) The department may either issue a special restricted license or may set forth the restrictions upon the usual license form.

(4) The department may suspend or revoke a restricted license upon receiving satisfactory evidence of any violation of the restrictions. In that event the licensee is entitled to a driver improvement interview and a hearing as provided by RCW 46.20.322 or 46.20.328.

(5) Operating a motor vehicle in violation of the restrictions imposed in a restricted license is a traffic infraction.

[1999 c 274 § 12; 1999 c 6 § 9; 1986 c 176 § 1; 1979 ex.s. c 136 § 54; 1979 c 61 § 2; 1965 ex.s. c 121 § 5.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.045 School bus, for hire drivers--Age.

Applicable Cases

A person who is under the age of eighteen years shall not drive:

- (1) A school bus transporting school children; or
- (2) A motor vehicle transporting persons for compensation.

[1999 c 6 § 10; 1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.049 Commercial driver's license--Additional fee, disposition. (*Effective until July 1, 2000.*)

Applicable Cases

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed twelve dollars for the original commercial driver's license or subsequent renewals. The fee shall be deposited in the highway safety fund.

[1989 c 178 § 21; 1985 ex.s. c 1 § 7; 1969 ex.s. c 68 § 3; 1967 ex.s. c 20 § 4. Formerly RCW 46.20.470.]

Notes:

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--1967 ex.s. c 20: "Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968." [1967 ex.s. c 20 § 5.]

RCW 46.20.049 Commercial driver's license--Additional fee, disposition. (*Effective July 1, 2000.*)

Applicable Cases

There shall be an additional fee for issuing any class of commercial driver's license in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each class shall not exceed twenty dollars for the original commercial driver's license or subsequent renewals, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The fee shall be deposited in the highway safety fund.

[1999 c 308 § 4; 1989 c 178 § 21; 1985 ex.s. c 1 § 7; 1969 ex.s. c 68 § 3; 1967 ex.s. c 20 § 4. Formerly 46.20.470.]

Notes:

Effective date--1999 c 308: See note following RCW 46.20.120.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--1967 ex.s. c 20: "Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968." [1967 ex.s. c 20 § 5.]

RCW 46.20.055 Instruction permit.

Applicable Cases

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a five-dollar fee, and meets the following requirements:

- (a) Is at least fifteen and one-half years of age; or
- (b) Is at least fifteen years of age and:
 - (i) Has submitted a proper application; and
 - (ii) Is enrolled in a traffic safety education program approved and accredited by the superintendent of public instruction that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

- (a) A traffic safety education course as defined by RCW 28A.220.020(2); or
- (b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

- (a) The person has immediate possession of the permit; and
- (b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

[1999 c 274 § 13; 1999 c 6 § 11; 1990 c 250 § 34; 1986 c 17 § 1; 1985 c 234 § 1; 1981 c 260 § 10. Prior: 1979 c 63 § 1; 1979 c 61 § 3; 1969 ex.s. c 218 § 8; 1965 ex.s. c 121 § 7.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.20.065 Temporary permit.

Applicable Cases

(1) If the department is completing an investigation and determination of facts concerning an applicant's right to receive a driver's license, it may issue a temporary driver's permit to the applicant.

(2) A temporary driver's permit authorizes the permittee to drive a motor vehicle for up to sixty days. The permittee must have immediate possession of the permit while driving a motor vehicle.

(3) A temporary driver's permit is invalid if the department has issued a license to the permittee or refused to issue a license to the permittee for good cause.

[1999 c 6 § 12.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

RCW 46.20.070 Juvenile agricultural driving permit.

Applicable Cases

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

(b) The applicant has passed the driving examination required by RCW 46.20.120;

(c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;

(d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and

(e) The applicant has paid a fee of three dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and

(ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a three-dollar fee.

(b) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

(a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or

(b) The director is satisfied that the permittee has violated the permit's restrictions.

[1999 c 6 § 13; 1997 c 82 § 1; 1985 ex.s. c 1 § 1; 1979 c 61 § 4; 1969 ex.s. c 218 § 9; 1969 ex.s. c 170 § 12; 1967 c 32 § 27; 1963 c 39 § 9; 1961 c 12 § 46.20.070. Prior: 1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1985." [1985 ex.s. c 1 § 14.]

OBTAINING OR RENEWING A DRIVER'S LICENSE

RCW 46.20.091 Application--Penalty for false statement--Driving records from and to other jurisdictions.

Applicable Cases

(1) **Application.** In order to apply for a driver's license or instruction permit the applicant must provide his or her:

(a) Name of record, as established by documentation required under RCW 46.20.035;

(b) Date of birth, as established by satisfactory evidence of age;

(c) Sex;

(d) Washington residence address;

(e) Description;

(f) Driving licensing history, including:

(i) Whether the applicant has ever been licensed as a driver or chauffeur and, if so, (A) when and by what state or country; (B) whether the license has ever been suspended or revoked; and (C) the date of and reason for the suspension or revocation; or

(ii) Whether the applicant's application to another state or country for a driver's license has ever been refused and, if so, the date of and reason for the refusal; and

(g) Any additional information required by the department.

(2) **Sworn statement.** An application for an instruction permit or for an original driver's license must be made upon a form provided by the department. The identifying documentation verifying the name of record must be accompanied by the applicant's written statement that it is valid. The information provided on the form must be sworn to and signed by the applicant before a person authorized to administer oaths. An applicant who makes a false statement on an

application for a driver's license or instruction permit is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

(3) **Driving records from other jurisdictions.** If a person previously licensed in another jurisdiction applies for a Washington driver's license, the department shall request a copy of the applicant's driver's record from the other jurisdiction. The driving record from the other jurisdiction becomes a part of the driver's record in this state.

(4) **Driving records to other jurisdictions.** If another jurisdiction requests a copy of a person's Washington driver's record, the department shall provide a copy of the record. The department shall forward the record without charge if the other jurisdiction extends the same privilege to the state of Washington. Otherwise the department shall charge a reasonable fee for transmittal of the record.

[1999 c 6 § 14; 1998 c 41 § 11; 1996 c 287 § 5; 1990 c 250 § 35; 1985 ex.s. c 1 § 2; 1979 c 63 § 2; 1965 ex.s. c 121 § 8.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.0921 Violations--Penalty.

Applicable Cases

It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;

(2) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license or identicard not issued to him or her;

(4) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license or identicard issued to him or her.

[1990 c 210 § 3; 1981 c 92 § 1; 1965 ex.s. c 121 § 41. Formerly RCW 46.20.336.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.20.093 Bicycle safety.

Applicable Cases

The department of licensing shall incorporate a section on bicycle safety and sharing the

road into its instructional publications for drivers and shall include questions in the written portion of the driver's license examination on bicycle safety and sharing the road with bicycles.

[1998 c 165 § 4.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.20.095 Instructional publication information.

Applicable Cases

The department's instructional publications for drivers must include information on:

- (1) The proper use of the left-hand lane by motor vehicles on multilane highways; and
- (2) Bicyclists' and pedestrians' rights and responsibilities.

[1999 c 6 § 15; 1998 c 165 § 5; 1986 c 93 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Short title--1998 c 165: See note following RCW 43.59.010.

Keep right except when passing, etc.: RCW 46.61.100.

RCW 46.20.100 Persons under eighteen.

Applicable Cases

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020. The course must meet the standards established by the office of the state superintendent of public instruction. The traffic safety education course may be provided by:

- (i) A recognized secondary school; or
- (ii) A commercial driving enterprise that is annually approved by the office of the superintendent of public instruction.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

- (i) He or she was unable to take or complete a traffic safety education course;
- (ii) A need exists for the applicant to operate a motor vehicle; and
- (iii) He or she has the ability to operate a motor vehicle in such a manner as not to

jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

[1999 c 274 § 14; 1999 c 6 § 16; 1990 c 250 § 36; 1985 c 234 § 2; 1979 c 158 § 146; 1973 1st ex.s. c 154 § 87; 1972 ex.s. c 71 § 1; 1969 ex.s. c 218 § 10; 1967 c 167 § 1; 1965 ex.s. c 170 § 43; 1961 c 12 § 46.20.100. Prior: 1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 46.20.105 Persons under twenty-one.

Applicable Cases

The department may provide a method to distinguish the driver's license of a person who is under the age of twenty-one from the driver's license of a person who is twenty-one years of age or older.

[1987 c 463 § 3.]

RCW 46.20.109 Wheelchair conveyances.

Applicable Cases

Each operator of a wheelchair conveyance shall undergo a special examination conducted for the purpose of determining whether that person can properly and safely operate the conveyance on public roadways within a specified area. An operator's license issued after the special examination may specify the route, area, time, or other restrictions that are necessary to ensure the safety of the operator as well as the general motoring public. The department shall adopt rules for periodic review of the performance of operators of wheelchair conveyances. Operation of a wheelchair conveyance in violation of these rules is a traffic infraction.

[1983 c 200 § 3. Formerly RCW 46.20.550]

Notes:

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

licensing: RCW 46.16.640.

public roadways, operating on: RCW 46.61.730.

safety standards: RCW 46.37.610.

RCW 46.20.113 Anatomical gift statement.

Applicable Cases

The department of licensing shall provide a statement whereby the licensee may certify his or her willingness to make an anatomical gift under RCW 68.50.540, as now or hereafter amended. The department shall provide the statement in at least one of the following ways:

- (1) On each driver's license; or
- (2) With each driver's license; or
- (3) With each in-person driver's license application.

[1993 c 228 § 18; 1987 c 331 § 81; 1979 c 158 § 147; 1975 c 54 § 1.]

Notes:

Application, construction--Severability--1993 c 228: See RCW 68.50.902 and 68.50.903.

Effective date--1987 c 331: See RCW 68.05.900.

RCW 46.20.114 Preventing alteration or reproduction.

Applicable Cases

The department shall prepare and issue drivers' licenses and identicards using processes that prohibit as nearly as possible the alteration or reproduction of such cards, or the superimposing of other photographs on such cards, without ready detection.

[1999 c 6 § 17; 1977 ex.s. c 27 § 2.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Purpose--1977 ex.s. c 27: "The legislature finds that the falsification of cards and licenses is a serious social problem creating economic hardship and problems which impede the efficient conduct of commerce and government. The legislature is particularly concerned that the increasing use of false drivers' licenses and identicards to purchase liquor, to cash bad checks, and to obtain food stamps and other benefits is causing the loss of liquor licenses, the loss of jobs, the loss of income, and the loss of human life in addition to significant monetary losses in business and government. It is the purpose of RCW 46.20.114 to require an effective means of rendering drivers' licenses and identicards as immune as possible from alteration and counterfeiting in order to promote the public health and safety of the people of this state." [1977 ex.s. c 27 § 1.]

RCW 46.20.117 Identicards.

Applicable Cases

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

- (a) Does not hold a valid Washington driver's license;
- (b) Proves his or her identity as required by RCW 46.20.035; and
- (c) Pays the required fee. The fee is four dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term.** The identicard must:

- (a) Be distinctly designed so that it will not be confused with the official driver's license;
- and

(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

[1999 c 274 § 15; 1999 c 6 § 18; 1993 c 452 § 3; 1986 c 15 § 1; 1985 ex.s. c 1 § 3; 1985 c 212 § 1; 1981 c 92 § 2; 1971 ex.s. c 65 § 1; 1969 ex.s. c 155 § 4.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Purpose--1971 ex.s. c 65: "The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government."
[1971 ex.s. c 65 § 2.]

Effective date--Purpose--1969 ex.s. c 155: See notes following RCW 46.20.118.

RCW 46.20.118 Negative file.

Applicable Cases

The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by RCW 46.20.070 through 46.20.119. Negatives in the file shall not be available for public inspection and copying under chapter 42.17 RCW. The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity. The department may also provide a print to the driver's next of kin in the event the driver is deceased.

[1990 c 250 § 37; 1981 c 22 § 1; 1979 c 158 § 149; 1969 ex.s. c 155 § 5.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Purpose--1969 ex.s. c 155: "The identification of the injured or the seriously ill is often difficult. The need for an identification file to facilitate use by proper law enforcement officers has hampered law enforcement. Personal identification for criminal, personal and commercial reasons is becoming most important at a time when it is increasingly difficult to accomplish. The legislature finds that the public health and welfare requires a standard and readily recognizable means of identification of each person living within the state. The legislature further finds that the need for an identification file by law enforcement agencies must be met. The use of photographic drivers' licenses will greatly aid the problem, but some means of identification must be provided for persons who do not possess a driver's license. The purpose of this 1969 amendatory act is to provide for the positive identification of persons, both through an expanded use of drivers' licenses and also through issue of personal identification cards for nondrivers."
[1969 ex.s. c 155 § 1.]

Effective date--1969 ex.s. c 155: "This 1969 amendatory act shall take effect September 1, 1969." [1969 ex.s. c 155 § 7.]

RCW 46.20.119 Reasonable rules.

Applicable Cases

The rules and regulations adopted pursuant to RCW 46.20.070 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW 46.20.070 through 46.20.119.

[1990 c 250 § 38; 1969 ex.s. c 155 § 6.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Purpose--1969 ex.s. c 155: See notes following RCW 46.20.118.

RCW 46.20.120 Examinations--Waiver--Out-of-state renewals--Fees. (Effective until July 1, 2000.)

Applicable Cases

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

*(1) **Waiver.** The department may waive:*

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

*(2) **Fee.** Each applicant for a new license must pay an examination fee of seven dollars.*

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than four years.

(3) A person whose license expired or will expire on or after January 1, 1998, while he or she was or is living outside the state may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail. If a person qualifies for a mail-in renewal he or she is not required to pass an examination nor provide an updated photograph. He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee. A license renewed by mail that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required

under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.

[1999 c 199 § 3; 1999 c 6 § 19; 1990 c 9 § 1; 1988 c 88 § 2; 1985 ex.s. c 1 § 4; 1979 c 61 § 6; 1975 1st ex.s. c 191 § 2; 1967 c 167 § 4; 1965 ex.s. c 121 § 9; 1961 c 12 § 46.20.120. Prior: 1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]

Notes:

Reviser's note: *This section was amended by 1999 c 6 § 19 and by 1999 c 199 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).*

Effective date--1999 c 199: *See note following RCW 46.20.027.*

Intent--1999 c 6: *See note following RCW 46.04.168.*

Effective date--1985 ex.s. c 1: *See note following RCW 46.20.070.*

RCW 46.20.120 Examinations--Waiver--Out-of-state renewals--Fees. (Effective July 1, 2000.)

Applicable Cases

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) Waiver. The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) Fee. Each applicant for a new license must pay an examination fee of seven dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.

(3) A person whose license expired or will expire on or after January 1, 1998, while he or she was or is living outside the state may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail. If a person qualifies for a mail-in renewal he or she is not required to pass an examination nor provide an updated photograph. He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee. A license renewed by mail that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.

[1999 c 308 § 1; 1999 c 199 § 3; 1999 c 6 § 19; 1990 c 9 § 1; 1988 c 88 § 2; 1985 ex.s. c 1 § 4; 1979 c 61 § 6; 1975 1st ex.s. c 191 § 2; 1967 c 167 § 4; 1965 ex.s. c 121 § 9; 1961 c 12 § 46.20.120. Prior: 1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]

Notes:

Reviser's note: *This section was amended by 1999 c 199 § 3 and by 1999 c 308 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).*

Effective date--1999 c 308: *"Sections 1 through 5 of this act take effect July 1, 2000." [1999 c 308 § 6.]*

Effective date--1999 c 199: *See note following RCW 46.20.027.*

Intent--1999 c 6: *See note following RCW 46.04.168.*

Effective date--1985 ex.s. c 1: *See note following RCW 46.20.070.*

RCW 46.20.130 Content and conduct of examinations.

Applicable Cases

(1) The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include but is not limited to:

(a) A test of the applicant's eyesight and ability to see, understand, and follow highway signs regulating, warning, and directing traffic;

(b) A test of the applicant's knowledge of traffic laws and ability to understand and follow the directives of lawful authority, orally or graphically, that regulate, warn, and direct traffic in accordance with the traffic laws of this state;

(c) An actual demonstration of the applicant's ability to operate a motor vehicle without jeopardizing the safety of persons or property; and

(d) Such further examination as the director deems necessary:

(i) To determine whether any facts exist that would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21, and 46.29 RCW; and

(ii) To determine the applicant's fitness to operate a motor vehicle safely on the highways.

(2) If the applicant desires to drive a motorcycle or a motor-driven cycle he or she must qualify for a motorcycle endorsement under RCW 46.20.500 through 46.20.515.

[1999 c 6 § 20; 1990 c 250 § 39; 1981 c 245 § 4; 1967 c 232 § 2; 1965 ex.s. c 121 § 10; 1961 c 12 § 46.20.130.]

Prior: 1959 c 284 § 2; 1943 c 151 § 1; 1937 c 188 § 57; Rem. Supp. 1943 § 6312-57.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: See note following RCW 46.20.161.

RCW 46.20.155 Voter registration.

Applicable Cases

Before issuing an original license or identification card or renewing a license or identification card under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration. If the applicant chooses to register or transfer a registration, the agent shall provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration.

[1990 c 143 § 6.]

Notes:

Effective date--1990 c 143: See note following RCW 29.07.260.

Voter registration with driver licensing: RCW 29.07.260 through 29.07.320.

RCW 46.20.157 Data to department of information services--Confidentiality.

Applicable Cases

(1) Except as provided in subsection (2) of this section, the department shall annually provide to the department of information services an electronic data file. The data file must:

(a) Contain information on all licensed drivers and identicard holders who are eighteen years of age or older and whose records have not expired for more than two years;

(b) Be provided at no charge; and

(c) Contain the following information on each such person: Full name, date of birth, residence address including county, sex, and most recent date of application, renewal, replacement, or change of driver's license or identicard.

(2) Before complying with subsection (1) of this section, the department shall remove from the file the names of any certified participants in the Washington state address confidentiality program under chapter 40.24 RCW that have been identified to the department by the secretary of state.

[1999 c 6 § 21; 1993 c 408 § 12.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--Effective dates--1993 c 408: See notes following RCW 2.36.054.

RCW 46.20.161 Issuance of license--Contents--Fee. (Effective until July 1, 2000.)

Applicable Cases

The department, upon receipt of a fee of fourteen dollars, which includes the fee for the

required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

[1999 c 6 § 22; 1998 c 41 § 12; 1990 c 250 § 40; 1981 c 245 § 1; 1975 1st ex.s. c 191 § 3; 1969 c 99 § 6; 1965 ex.s. c 121 § 11.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 245 § 5.]

Effective date--1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.161 Issuance of license--Contents--Fee. (Effective July 1, 2000.)

Applicable Cases

The department, upon receipt of a fee of twenty-five dollars, unless the driver's license is issued for a period other than five years, in which case the fee shall be five dollars for each year that the license is issued, which includes the fee for the required photograph, shall issue to every qualifying applicant a driver's license. The license must include a distinguishing number assigned to the licensee, the name of record, date of birth, Washington residence address, photograph, a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee.

[1999 c 308 § 2; 1999 c 6 § 22; 1998 c 41 § 12; 1990 c 250 § 40; 1981 c 245 § 1; 1975 1st ex.s. c 191 § 3; 1969 c 99 § 6; 1965 ex.s. c 121 § 11.]

Notes:

Effective date--1999 c 308: See note following RCW 46.20.120.

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 245 § 5.]

Effective date--1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.181 Expiration date--Renewal--Fees--Penalty. (Effective until July 1, 2000.)

Applicable Cases

(1) Every driver's license expires on the fourth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of fourteen dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

[1999 c 6 § 23; 1990 c 250 § 41; 1981 c 245 § 2; 1975 1st ex.s. c 191 § 4; 1969 c 99 § 7; 1965 ex.s. c 170 § 46; 1965 ex.s. c 121 § 17.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: See note following RCW 46.20.161.

Effective date--1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.181 Expiration date--Renewal--Fees--Penalty. (Effective July 1, 2000.)

Applicable Cases

(1) Except as provided in subsection (4) of this section, every driver's license expires on the fifth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of twenty-five dollars. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) During the period from July 1, 2000, to July 1, 2006, the department may issue or renew a driver's license for a period other than five years, or may extend by mail a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than

five years, or that has been extended by mail, is five dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

[1999 c 308 § 3; 1999 c 6 § 23; 1990 c 250 § 41; 1981 c 245 § 2; 1975 1st ex.s. c 191 § 4; 1969 c 99 § 7; 1965 ex.s. c 170 § 46; 1965 ex.s. c 121 § 17.]

Notes:

Effective date--1999 c 308: See note following RCW 46.20.120.

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--1981 c 245: See note following RCW 46.20.161.

Effective date--1969 c 99: See note following RCW 79A.05.070.

RCW 46.20.185 Photograph during renewal.

Applicable Cases

The department of licensing shall establish a procedure for renewal of drivers' licenses under this chapter which does not deprive the applicant during the renewal process of an identification bearing the applicant's photograph.

This identification shall be designed to and shall be accepted as proper identification under RCW 66.16.040.

[1979 ex.s. c 87 § 1.]

RCW 46.20.187 Registration of sex offenders.

Applicable Cases

The department, at the time a person renews his or her driver's license or identicard, or surrenders a driver's license from another jurisdiction pursuant to RCW 46.20.021 and makes an application for a driver's license or an identicard, shall provide the applicant with written information on the registration requirements of RCW 9A.44.130.

[1990 c 3 § 407.]

Notes:

Index, part headings not law--Severability--Effective dates--Application--1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 46.20.200 Lost, destroyed, corrected licenses or permits.

Applicable Cases

(1) If an instruction permit, identicard, or a driver's license is lost or destroyed, the person to whom it was issued may obtain a duplicate of it upon furnishing proof of such fact satisfactory to the department and payment of a fee of five dollars to the department.

(2) A replacement permit, identicard, or driver's license may be obtained to change or correct material information upon payment of a fee of two dollars and surrender of the permit, identicard, or driver's license being replaced.

[1985 ex.s. c 1 § 5; 1975 1st ex.s. c 191 § 5; 1965 ex.s. c 121 § 16; 1961 c 12 § 46.20.200. Prior: 1947 c 164 § 18;

1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]

Notes:

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.205 Change of address or name.

Applicable Cases

(1) Whenever any person after applying for or receiving a driver's license or identicard moves from the address named in the application or in the license or identicard issued to him or her, the person shall within ten days thereafter notify the department of the address change. The notification must be in writing on a form provided by the department and must include the number of the person's driver's license. The written notification, or other means as designated by rule of the department, is the exclusive means by which the address of record maintained by the department concerning the licensee or identicard holder may be changed.

(a) The form must contain a place for the person to indicate that the address change is not for voting purposes. The department of licensing shall notify the secretary of state by the means described in RCW 29.07.270(3) of all change of address information received by means of this form except information on persons indicating that the change is not for voting purposes.

(b) Any notice regarding the cancellation, suspension, revocation, disqualification, probation, or nonrenewal of the driver's license, commercial driver's license, driving privilege, or identicard mailed to the address of record of the licensee or identicard holder is effective notwithstanding the licensee's or identicard holder's failure to receive the notice.

(2) When a licensee or holder of an identicard changes his or her name of record, the person shall notify the department of the name change. The person must make the notification within ten days of the date that the name change is effective. The notification must be in writing on a form provided by the department and must include the number of the person's driver's license. The department of licensing shall not change the name of record of a person under this section unless the person has again satisfied the department regarding his or her identity in the manner provided by RCW 46.20.035.

[1999 c 6 § 24; 1998 c 41 § 13; 1996 c 30 § 4; 1994 c 57 § 52; 1989 c 337 § 6; 1969 ex.s. c 170 § 13; 1965 ex.s. c 121 § 18.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Effective date--1996 c 30: See note following RCW 46.25.010.

Severability--Effective date--1994 c 57: See notes following RCW 10.64.021.

WITHHOLDING THE DRIVING PRIVILEGE

RCW 46.20.207 Cancellation.

Applicable Cases

(1) The department is authorized to cancel any driver's license upon determining that the

licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

[1993 c 501 § 3; 1991 c 293 § 4; 1965 ex.s. c 121 § 20.]

RCW 46.20.215 Nonresidents--Suspension or revocation--Reporting offenders.

Applicable Cases

(1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security.

(3) The department shall, upon receiving a record of the commission of a traffic infraction in this state by a nonresident driver of a motor vehicle, forward a report of the traffic infraction to the motor vehicle administrator in the state where the person who committed the infraction resides. The report shall clearly identify the person found to have committed the infraction; describe the infraction, specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether the determination that an infraction was committed was contested or whether the individual failed to respond to the notice of infraction.

[1979 ex.s. c 136 § 57; 1965 ex.s. c 121 § 21.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.220 Vehicle rentals--Records.

Applicable Cases

(1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a nonresident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director.

[1969 c 27 § 1. Prior: 1967 c 232 § 9; 1967 c 32 § 28; 1961 c 12 § 46.20.220; prior: 1937 c 188 § 63; RRS § 6312-63.]

Notes:

Allowing unauthorized person to drive: RCW 46.16.011, 46.20.024.

Helmet requirements: RCW 46.37.535.

RCW 46.20.265 Juvenile driving privileges--Revocation for alcohol or drug violations.

Applicable Cases

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265. The revocation shall be imposed without hearing.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law.

(3) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if the minimum term of revocation as specified in RCW 13.40.265(1)(c), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection, subject to subsection (2)(c) of this section.

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive

until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.

[1998 c 41 § 2; 1994 sp.s. c 7 § 439; 1991 c 260 § 1; 1989 c 271 § 117; 1988 c 148 § 7.]

Notes:

Intent--Construction--1998 c 41: "It is the intent and purpose of this act to clarify procedural issues and make technical corrections to statutes relating to drivers' licenses. This act should not be construed as changing existing public policy." [1998 c 41 § 1.]

Effective date--1998 c 41: "This act takes effect July 1, 1998." [1998 c 41 § 15.]

Finding--Intent--Severability--1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date--1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Severability--1989 c 271: See note following RCW 9.94A.310.

Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

RCW 46.20.270 Conviction of offense requiring suspension or revocation--Procedures, records, reporting, definition.

Applicable Cases

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: PROVIDED, That if the convicted person testifies that he or she does not and at the time of the offense did not have a current and valid vehicle driver's license, the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department may not issue a driver's license to such persons during the period of suspension or revocation: PROVIDED, ALSO, That if the driver's license of such convicted person has been lost or destroyed and such convicted person makes an affidavit to that effect, sworn to before the judge, the convicted person may not be so confined, but the department may not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: PROVIDED, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, or any federal authority having jurisdiction over offenses

substantially the same as those set forth in Title 46 RCW which occur on federal installations within this state, shall forward to the department within ten days of a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, a payment of a fine or penalty, a plea of guilty or a finding of guilt, or a finding that any person has committed a traffic infraction an abstract of the court record in the form prescribed by rule of the supreme court, showing the conviction of any person or the finding that any person has committed a traffic infraction in said court for a violation of any said laws other than regulations governing standing, stopping, parking, and pedestrian offenses.

(3) Every municipality having jurisdiction over offenses committed under this chapter, or under any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, may forward to the department within ten days of failure to respond, failure to pay a penalty, failure to appear at a hearing to contest the determination that a violation of any statute, ordinance, or regulation relating to standing, stopping, or parking has been committed, or failure to appear at a hearing to explain mitigating circumstances, an abstract of the citation record in the form prescribed by rule of the department, showing the finding by such municipality that two or more violations of laws governing standing, stopping, and parking have been committed and indicating the nature of the defendant's failure to act. Such violations may not have occurred while the vehicle is stolen from the registered owner or is leased or rented under a bona fide commercial vehicle lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner. The department may enter into agreements of reciprocity with the duly authorized representatives of the states for reporting to each other violations of laws governing standing, stopping, and parking.

(4) For the purposes of Title 46 RCW the term "conviction" means a final conviction in a state or municipal court or by any federal authority having jurisdiction over offenses substantially the same as those set forth in Title 46 RCW which occur on federal installations in this state, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions are deferred or the penalty is suspended, but not including entry into a deferred prosecution agreement under chapter 10.05 RCW.

(5) For the purposes of Title 46 RCW the term "finding that a traffic infraction has been committed" means a failure to respond to a notice of infraction or a determination made by a court pursuant to this chapter. Payment of a monetary penalty made pursuant to RCW 46.63.070(2) is deemed equivalent to such a finding.

[1990 2nd ex.s. c 1 § 402; 1990 c 250 § 42; 1982 1st ex.s. c 14 § 5; 1979 ex.s. c 136 § 58; 1979 c 61 § 7; 1977 ex.s. c 3 § 1; 1967 ex.s. c 145 § 55; 1965 ex.s. c 121 § 22; 1961 c 12 § 46.20.270. Prior: 1937 c 188 § 68; RRS § 6312-68; prior: 1923 c 122 § 2, part; 1921 c 108 § 9, part; RRS § 6371, part.]

Notes:

Severability--1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Severability--1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.20.285 Offenses requiring revocation (as amended by 1998 c 41).

Applicable Cases

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years. The revocation period shall be tolled during any period of total confinement for the offense;

(2) Vehicular assault. The revocation period shall be tolled during any period of total confinement for the offense;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the first such conviction under RCW 46.61.5055(1)(b) or a second or subsequent such conviction under RCW 46.61.5055 for the driver within a period of five years. (~~Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years~~) The revocation period shall be as provided in RCW 46.61.5055;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

[1998 c 41 § 3; 1996 c 199 § 5; 1990 c 250 § 43; 1985 c 407 § 2; 1984 c 258 § 324; 1983 c 165 § 16; 1983 c 165 § 15; 1965 ex.s. c 121 § 24.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

RCW 46.20.285 Offenses requiring revocation (as amended by 1998 c 207).

Applicable Cases

The department shall forthwith revoke the license of any driver for the period of one calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

(1) For vehicular homicide the period of revocation shall be two years. The revocation period shall be tolled during any period of total confinement for the offense;

(2) Vehicular assault. The revocation period shall be tolled during any period of total confinement for the offense;

(3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, ~~((upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years))~~ for the period prescribed in RCW 46.61.5055;

(4) Any felony in the commission of which a motor vehicle is used;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

(6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;

(7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

[1998 c 207 § 4; 1996 c 199 § 5; 1990 c 250 § 43; 1985 c 407 § 2; 1984 c 258 § 324; 1983 c 165 § 16; 1983 c 165 § 15; 1965 ex.s. c 121 § 24.]

Notes:

Reviser's note: RCW 46.20.285 was amended twice during the 1998 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--1996 c 199: See note following RCW 9.94A.120.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Revocation of license for attempting to elude pursuing police vehicle: RCW 46.61.024.

Vehicular assault, penalty: RCW 46.61.522.

Vehicular homicide, penalty: RCW 46.61.520.

RCW 46.20.286 Adoption of procedures.

Applicable Cases

The department of licensing shall adopt procedures in cooperation with the office of the administrator for the courts and the department of corrections to implement RCW 46.20.285.

[1996 c 199 § 6.]

Notes:

Severability--1996 c 199: See note following RCW 9.94A.120.

RCW 46.20.289 Suspension for failure to respond, appear, etc.

Applicable Cases

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(5), 46.63.110(5), or 46.64.025 that the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, other than for a notice of a violation of RCW 46.55.105 or a standing, stopping, or parking violation. A suspension under this section takes effect thirty days after the date the department mails notice of the suspension, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

[1999 c 274 § 1; 1995 c 219 § 2; 1993 c 501 § 1.]

RCW 46.20.291 Authority to suspend--Grounds.

Applicable Cases

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

- (1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;
- (2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;
- (3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;
- (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
- (5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289;
- (6) Is subject to suspension under RCW 46.20.305;
- (7) Has committed one of the prohibited practices relating to drivers' licenses defined in *RCW 46.20.336; or
- (8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

[1998 c 165 § 12; 1997 c 58 § 806; 1993 c 501 § 4; 1991 c 293 § 5; 1980 c 128 § 12; 1965 ex.s. c 121 § 25.]

Notes:

***Reviser's note:** RCW 46.20.336 was recodified as RCW 46.20.0921 pursuant to 1999 c 6 § 28.

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Reckless driving, suspension of license: RCW 46.61.500.

Vehicular assault

drug and alcohol evaluation and treatment: RCW 46.61.524.

penalty: RCW 46.61.522.

Vehicular homicide

drug and alcohol evaluation and treatment: RCW 46.61.524.

penalty: RCW 46.61.520.

RCW 46.20.292 Finding of juvenile court officer.

Applicable Cases

The department may suspend, revoke, restrict, or condition any driver's license upon a showing of its records that the licensee has been found by a juvenile court, chief probation officer, or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action.

[1979 c 61 § 8; 1967 c 167 § 9.]

RCW 46.20.293 Minor's record to juvenile court, parents, or guardians.

Applicable Cases

The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.101 and 13.50.200, against any minor upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under eighteen years of age who is not emancipated from such parent, parents, or guardian, the department records of traffic charges compiled against the person and shall collect for the copy a fee of four dollars and fifty cents to be deposited in the highway safety fund.

[1999 c 86 § 3; 1990 c 250 § 44; 1979 c 61 § 9; 1977 ex.s. c 3 § 2; 1971 ex.s. c 292 § 45; 1969 ex.s. c 170 § 14; 1967 c 167 § 10.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 46.20.300 Extraterritorial convictions.

Applicable Cases

The director of licensing shall suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

[1989 c 337 § 7; 1979 c 158 § 150; 1967 c 32 § 29; 1961 c 12 § 46.20.300. Prior: 1957 c 273 § 8; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

RCW 46.20.305 Incompetent, unqualified driver--Reexamination--Physician's certificate--Action by department.

Applicable Cases

(1) The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him or her to submit to an examination.

(2) The department shall require a driver reported under RCW 46.52.070 (2) and (3) to submit to an examination. The examination must be completed no later than one hundred twenty days after the accident report required under RCW 46.52.070(2) is received by the department unless the department, at the request of the operator, extends the time for examination.

(3) The department may in addition to an examination under this section require such person to obtain a certificate showing his or her condition signed by a licensed physician or other proper authority designated by the department.

(4) Upon the conclusion of an examination under this section the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him or her to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination.

(5) The department may require payment of a fee by a person subject to examination under this section. The department shall set the fee in an amount that is sufficient to cover the additional cost of administering examinations required by this section.

[1999 c 351 § 3; 1998 c 165 § 13; 1965 ex.s. c 121 § 26.]

Notes:

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.20.308 Implied consent--Test refusal--Procedures.

Applicable Cases

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility in which a breath testing instrument is not present or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that:

(a) His or her license, permit, or privilege to drive will be revoked or denied if he or she refuses to submit to the test;

(b) His or her license, permit, or privilege to drive will be suspended, revoked, or denied if the test is administered and the test indicates the alcohol concentration of the person's breath or blood is 0.08 or more, in the case of a person age twenty-one or over, or in violation of RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under age twenty-one; and

(c) His or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or is in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (7) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (8) of this section;

(c) Mark the person's Washington state driver's license or permit to drive, if any, in a manner authorized by the department;

(d) Serve notice in writing that the marked license or permit, if any, is a temporary license that is valid for sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(e) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol concentration in violation of RCW 46.61.503;

(ii) That after receipt of the warnings required by subsection (2) of this section the person refused to submit to a test of his or her blood or breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person is age twenty-one or over, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend,

revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of one hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required one hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required one hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered without express consent as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more if the person was age twenty-one or over at the time of the arrest, or was in violation of RCW 46.61.502, 46.61.503, or 46.61.504 if the person was under the age of twenty-one at the time of the arrest. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration in violation of RCW 46.61.503 and

was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or blood test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (7) of this section, the court may direct the department to stay any actual

or proposed suspension, revocation, or denial for at least forty-five days but not more than ninety days. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license marked under subsection (6) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary marked license or extension of a temporary license issued under this subsection.

A suspension, revocation, or denial imposed under this section, other than as a result of a breath or blood test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(11) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

[1999 c 331 § 2; 1999 c 274 § 2. Prior: 1998 c 213 § 1; 1998 c 209 § 1; 1998 c 207 § 7; 1998 c 41 § 4; 1995 c 332 § 1; 1994 c 275 § 13; 1989 c 337 § 8; 1987 c 22 § 1; prior: 1986 c 153 § 5; 1986 c 64 § 1; 1985 c 407 § 3; 1983 c 165 § 2; 1983 c 165 § 1; 1981 c 260 § 11; prior: 1979 ex.s. c 176 § 3; 1979 ex.s. c 136 § 59; 1979 c 158 § 151; 1975 1st ex.s. c 287 § 4; 1969 c 1 § 1 (Initiative Measure No. 242, approved November 5, 1968).]

Notes:

Reviser's note: This section was amended by 1999 c 274 § 2 and by 1999 c 331 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 331: See note following RCW 9.94A.360.

Effective date--1998 c 213: "This act takes effect January 1, 1999." [1998 c 213 § 9.]

Effective date--1998 c 209: "This act takes effect January 1, 1999." [1998 c 209 § 6.]

Effective date--1998 c 207: See note following RCW 46.61.5055.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1995 c 332: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 c 332 § 23.]

Effective dates--1995 c 332: "This act shall take effect September 1, 1995, except for sections 13 and 22 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 11, 1995]." [1995 c 332 § 24.]

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent--1983 c 165: "The legislature finds that previous attempts to curtail the incidence of driving while intoxicated have been inadequate. The legislature further finds that property loss, injury,

and death caused by drinking drivers have reached unacceptable levels. This act is intended to convey the seriousness with which the legislature views this problem. To that end the legislature seeks to insure swift and certain punishment for those who drink and drive. The legislature does not intend to discourage or deter courts and other agencies from directing or providing treatment for problem drinkers. However, it is the intent that such treatment, where appropriate, be in addition to and not in lieu of the sanctions to be applied to all those convicted of driving while intoxicated." [1983 c 165 § 44.]

Effective dates--1983 c 165: "Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of chapter 165, Laws of 1983 shall take effect on January 1, 1986. The remainder of chapter 165, Laws of 1983 is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of chapter 165, Laws of 1983 are implemented on their respective effective dates." [1984 c 219 § 1; 1983 c 165 § 47.]

Severability--1983 c 165: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 165 § 48.]

Severability--1979 ex.s. c 176: See note following RCW 46.61.502.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability, implied consent law--1969 c 1: See RCW 46.20.911.

Liability of medical personnel withdrawing blood: RCW 46.61.508.

Refusal of alcohol test--Admissibility as evidence: RCW 46.61.517.

RCW 46.20.3101 Implied consent--License sanctions, length of.

Applicable Cases

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer. A revocation imposed under this subsection (1)(b) shall run consecutively to the period of any suspension, revocation, or denial imposed pursuant to a criminal conviction arising out of the same incident.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or

blood was in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

- (a) For a first incident within seven years, suspension or denial for ninety days;
- (b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

[1998 c 213 § 2; 1998 c 209 § 2; 1998 c 207 § 8; 1995 c 332 § 3.]

Notes:

Reviser's note: This section was amended by 1998 c 207 § 8, 1998 c 209 § 2, and by 1998 c 213 § 2, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 213: See note following RCW 46.20.308.

Effective date--1998 c 209: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.20.311 Duration of license sanctions--Reissuance or renewal.

Applicable Cases

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.342 or other provision of law. Except for a suspension under RCW 46.20.289, 46.20.291(5), or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of

the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

[1998 c 212 § 1; 1997 c 58 § 807; 1995 c 332 § 11; 1994 c 275 § 27; 1993 c 501 § 5; 1990 c 250 § 45; 1988 c 148 § 9. Prior: 1985 c 407 § 4; 1985 c 211 § 1; 1984 c 258 § 325; 1983 c 165 § 18; 1983 c 165 § 17; 1982 c 212 § 5; 1981 c 91 § 1; 1979 ex.s. c 136 § 60; 1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242, approved November 5, 1968); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

Notes:

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Severability--1990 c 250: See note following RCW 46.16.301.

Legislative finding--Severability--1988 c 148: See notes following RCW 13.40.265.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes

following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability, implied consent law--1969 c 1: See RCW 46.20.911.

RCW 46.20.315 Surrender of license.

Applicable Cases

The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department.

[1985 c 302 § 1; 1965 ex.s. c 121 § 28.]

RCW 46.20.317 Unlicensed drivers.

Applicable Cases

The department is hereby authorized to place any unlicensed person into a suspended or revoked status under any circumstances which would have resulted in the suspension or revocation of the driver's license had that person been licensed.

[1975-'76 2nd ex.s. c 29 § 2. Formerly RCW 46.20.414.]

RCW 46.20.320 Suspension, etc., effective although certificate not delivered.

Applicable Cases

Any suspension, revocation, or cancellation of a vehicle driver's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director.

[1967 c 32 § 30; 1961 c 12 § 46.20.320. Prior: 1957 c 273 § 10; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

DRIVER IMPROVEMENT

RCW 46.20.322 Interview before suspension, etc.--Exceptions--Appearance of minor's parent or guardian.

Applicable Cases

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on a person's driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict, or condition a minor driver's driving privilege the department may require the appearance of the minor's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor.

[1979 c 61 § 10; 1973 1st ex.s. c 154 § 88; 1967 c 167 § 6; 1965 ex.s. c 121 § 29.]

Notes:

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

RCW 46.20.323 Notice of interview--Contents.

Applicable Cases

The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given.

[1965 ex.s. c 121 § 30.]

RCW 46.20.324 Persons not entitled to interview or hearing.

Applicable Cases

A person shall not be entitled to a driver improvement interview or formal hearing as hereinafter provided:

(1) When the action by the department is made mandatory by the provisions of this chapter or other law; or

(2) When the person has refused or neglected to submit to an examination as required by RCW 46.20.305.

[1965 ex.s. c 121 § 31.]

RCW 46.20.325 Suspension or probation before interview--Alternative procedure.

Applicable Cases

In the alternative to the procedure set forth in RCW 46.20.322 and 46.20.323 the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his request shall afford him an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof.

[1965 ex.s. c 121 § 32.]

RCW 46.20.326 Failure to appear or request interview constitutes waiver--Procedure.

Applicable Cases

Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in RCW 46.20.325 constitutes a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose

privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview.

[1990 c 250 § 46; 1965 ex.s. c 121 § 33.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.20.327 Conduct of interview--Referee--Evidence--Not deemed hearing.

Applicable Cases

A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing.

[1965 ex.s. c 121 § 34.]

RCW 46.20.328 Findings and notification after interview--Request for formal hearing.

Applicable Cases

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and shall notify the person involved in writing by personal service of the findings. The referee's findings shall be final unless the person involved is notified to the contrary by personal service or by certified mail within fifteen days. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days, request a formal hearing.

[1979 c 61 § 11; 1965 ex.s. c 121 § 35.]

Notes:

Persons not entitled to formal hearing: RCW 46.20.324.

RCW 46.20.329 Formal hearing--Procedures, notice, stay.

Applicable Cases

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person

has committed a traffic infraction which is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a person or persons appointed by the director from among the employees of the department.

[1982 c 189 § 4; 1981 c 67 § 28; 1979 ex.s. c 136 § 61; 1972 ex.s. c 29 § 1; 1965 ex.s. c 121 § 36.]

Notes:

Effective date--1982 c 189: See note following RCW 34.12.020.

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.331 Hearing and decision by director's designee.

Applicable Cases

The director may appoint a designee, or designees, to preside over hearings in adjudicative proceedings that may result in the denial, restriction, suspension, or revocation of a driver's license or driving privilege, or in the imposition of requirements to be met prior to issuance or reissuance of a driver's license, under Title 46 RCW. The director may delegate to any such designees the authority to render the final decision of the department in such proceedings. Chapter 34.12 RCW shall not apply to such proceedings.

[1989 c 175 § 111; 1982 c 189 § 3.]

Notes:

Effective date--1989 c 175: See note following RCW 34.05.010.

Effective date--1982 c 189: See note following RCW 34.12.020.

RCW 46.20.332 Formal hearing--Evidence--Subpoenas--Reexamination--Findings and recommendations.

Applicable Cases

At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension or revocation of licenses, the referee or board shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses.

[1972 ex.s. c 29 § 2; 1965 ex.s. c 121 § 37.]

RCW 46.20.333 Decision after formal hearing.

Applicable Cases

In all cases not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension, or revocation of licenses the director, or a person so authorized shall review the records, evidence, and the findings after a formal hearing, and shall render a decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to grant, or renew a license or the order imposing terms or conditions of probation, or may set aside the prior action of the department and may direct that probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation.

[1972 ex.s. c 29 § 3; 1965 ex.s. c 121 § 38.]

RCW 46.20.334 Appeal to superior court.

Applicable Cases

Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this chapter shall have the right within thirty days, after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

[1972 ex.s. c 29 § 4; 1965 ex.s. c 121 § 39.]

RCW 46.20.335 Probation in lieu of suspension or revocation.

Applicable Cases

Whenever by any provision of this chapter the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate.

[1965 ex.s. c 121 § 40.]

DRIVING OR USING LICENSE WHILE SUSPENDED OR REVOKED

RCW 46.20.338 Display or possession of invalidated license or identicard.

Applicable Cases

It is a traffic infraction for any person to display or cause or permit to be displayed or have in his or her possession any canceled, revoked, or suspended driver's license or identicard.

[1990 c 210 § 4.]

RCW 46.20.342 Driving while license invalidated--Penalties--Extension of invalidation.

Applicable Cases

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

- (i) A conviction of a felony in the commission of which a motor vehicle was used;
- (ii) A previous conviction under this section;
- (iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;
- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license;
- (v) A conviction of *RCW 46.20.420, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.500, relating to reckless driving;
- (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the

influence of intoxicating liquor or drugs;

(x) A conviction of RCW 46.61.520, relating to vehicular homicide;

(xi) A conviction of RCW 46.61.522, relating to vehicular assault;

(xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

(xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

(xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

(xv) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

(xvi) An administrative action taken by the department under chapter 46.20 RCW; or

(xvii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, or (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or any combination of (i) through (vi), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under

subsection (1)(c) of this section. If the conviction was under subsection (1) (a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

[1999 c 274 § 3; 1993 c 501 § 6; 1992 c 130 § 1; 1991 c 293 § 6. Prior: 1990 c 250 § 47; 1990 c 210 § 5; 1987 c 388 § 1; 1985 c 302 § 3; 1980 c 148 § 3; prior: 1979 ex.s. c 136 § 62; 1979 ex.s. c 74 § 1; 1969 c 27 § 2; prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Severability--1990 c 250: See note following RCW 46.16.301.

Effective date--Expiration date--1987 c 388 (part): "Sections 1 through 8 of this act shall take effect on July 1, 1988. The director of licensing shall take such steps as are necessary to insure that this act is implemented on its effective date. Sections 2 through 7 of this act shall expire on July 1, 1993." [1987 c 388 § 13.]

Severability--1987 c 388: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 388 § 16.]

Effective date--1980 c 148: See note following RCW 46.10.090.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.20.345 Operation under other license or permit while license suspended or revoked--Penalty.

Applicable Cases

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. A person who violates the provisions of this section is guilty of a gross misdemeanor.

[1990 c 210 § 6; 1985 c 302 § 5; 1967 c 32 § 35; 1961 c 134 § 2. Formerly RCW 46.20.420.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.20.349 Stopping vehicle of suspended or revoked driver.

Applicable Cases

Any police officer who has received notice of the suspension or revocation of a driver's license from the department of licensing, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer.

[1979 c 158 § 152; 1965 ex.s. c 170 § 47. Formerly RCW 46.20.430.]

RCW 46.20.355 Alcohol violator--Probationary license.

Applicable Cases

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of fifty dollars in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the fifty-dollar fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(5) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

[1998 c 209 § 3; 1998 c 41 § 5; 1995 1st sp.s. c 17 § 1; 1995 c 332 § 4; 1994 c 275 § 8.]

Notes:

Reviser's note: This section was amended by 1998 c 41 § 5 and by 1998 c 209 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 209: See note following RCW 46.20.308.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Effective date--1995 1st sp.s. c 17: "This act shall take effect September 1, 1995." [1995 1st sp.s. c 17 § 3.]

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

OCCUPATIONAL DRIVER'S LICENSE

RCW 46.20.380 Fee.

Applicable Cases

No person may file an application for an occupational driver's license as provided in RCW 46.20.391 unless he or she first pays to the director or other person authorized to accept applications and fees for driver's licenses a fee of twenty-five dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees.

[1985 ex.s. c 1 § 6; 1979 c 61 § 12; 1967 c 32 § 31; 1961 c 12 § 46.20.380. Prior: 1957 c 268 § 1.]

Notes:

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

RCW 46.20.391 Application--Eligibility--Restrictions--Cancellation. (*Effective until January 1, 2000.*)

Applicable Cases

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed either for a violation of RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault

under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle; and

(d) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

[1999 c 274 § 4. Prior: 1998 c 209 § 4; 1998 c 207 § 9; 1995 c 332 § 12; 1994 c 275 § 29; 1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Notes:

Effective date--1998 c 209: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.391 Application--Eligibility--Restrictions--Cancellation. (Effective January 1, 2000.)

Applicable Cases

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed either for a violation of RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation

of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(i) The applicant is in an apprenticeship program or an on-the-job training program for which a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years.

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.

(3) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (i) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault

under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

[1999 c 274 § 4; 1999 c 272 § 1. Prior: 1998 c 209 § 4; 1998 c 207 § 9; 1995 c 332 § 12; 1994 c 275 § 29; 1985 c 407 § 5; 1983 c 165 § 24; 1983 c 165 § 23; 1983 c 164 § 4; 1979 c 61 § 13; 1973 c 5 § 1.]

Notes:

Reviser's note: This section was amended by 1999 c 272 § 1 and by 1999 c 274 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 272: "This act takes effect January 1, 2000." [1999 c 272 § 3.]

Effective date--1998 c 209: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective dates--1985 c 407: See note following RCW 46.04.480.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.394 Detailed restrictions--Violation. (Effective until January 1, 2000.)

Applicable Cases

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

[1983 c 165 § 26.]

Notes:

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.394 Detailed restrictions--Violation. (Effective January 1, 2000.)

Applicable Cases

In issuing an occupational driver's license under RCW 46.20.391, the department shall describe the type of occupation permitted and shall set forth in detail the specific hours of the day during which the person may drive to and from his place of work, which may not exceed twelve hours in any one day; the days of the week during which the license may be used; and the general routes over which the person may travel. In issuing an occupational driver's license under RCW 46.20.391(2)(a)(iv), the department shall set forth in detail the specific hours during which the person may drive to and from substance abuse treatment or meetings of a twelve-step group such as alcoholics anonymous, the days of the week during which the license may be used, and the general routes over which the person may travel. These restrictions shall be prepared in written form by the department, which document shall be carried in the vehicle at all times and presented to a law enforcement officer under the same terms as the occupational driver's license. Any violation of the restrictions constitutes a violation of RCW 46.20.342 and subjects the person to all procedures and penalties therefor.

[1999 c 272 § 2; 1983 c 165 § 26.]

Notes:

Effective date--1999 c 272: See note following RCW 46.20.391.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.20.400 Obtaining new driver's license--Surrender of order and occupational driver's license.

Applicable Cases

If an occupational driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's permit shall be issued to such person until he surrenders his occupational driver's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of a driver's license.

[1967 c 32 § 33; 1961 c 12 § 46.20.400. Prior: 1957 c 268 § 3.]

RCW 46.20.410 Penalty.

Applicable Cases

Any person convicted for violation of any restriction of an occupational driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

[1967 c 32 § 34; 1961 c 12 § 46.20.410. Prior: 1957 c 268 § 4.]

Notes:

Rules of Court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

MOTORCYCLES

RCW 46.20.500 Special endorsement--Exceptions.

Applicable Cases

No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped. No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

[1999 c 274 § 8; 1997 c 328 § 3; 1982 c 77 § 1; 1979 ex.s. c 213 § 6; 1967 c 232 § 1.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1982 c 77: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 77 § 10.]

Mopeds

operation and safety standards: RCW 46.61.710, 46.61.720.

registration: RCW 46.16.630.

RCW 46.20.505 Examination fees, amount and distribution. (Effective until July 1, 2000.)

Applicable Cases

Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall be six dollars and the subsequent renewal endorsement fee shall be fourteen dollars. The initial and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

[1999 c 274 § 9; 1993 c 115 § 1; 1989 c 203 § 2; 1988 c 227 § 5; 1987 c 454 § 2; 1985 ex.s. c 1 § 8; 1982 c 77 § 2; 1979 c 158 § 153; 1967 ex.s. c 145 § 50.]

Notes:

Severability--1988 c 227: See RCW 46.81A.900.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Severability--1982 c 77: See note following RCW 46.20.500.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

Motorcycle safety education account: RCW 46.68.065.

RCW 46.20.505 Examination fees, amount and distribution. (Effective July 1, 2000.)

Applicable Cases

Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay an examination fee of two dollars which is not refundable. In addition, the endorsement fee for the initial motorcycle endorsement shall not exceed ten dollars, and the subsequent renewal endorsement fee shall not exceed twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall not exceed five dollars for each year that the endorsement is renewed or extended. The initial and renewal endorsement fees shall be deposited in the motorcycle safety education account of the highway safety fund.

[1999 c 308 § 5; 1999 c 274 § 9; 1993 c 115 § 1; 1989 c 203 § 2; 1988 c 227 § 5; 1987 c 454 § 2; 1985 ex.s. c 1 § 8; 1982 c 77 § 2; 1979 c 158 § 153; 1967 ex.s. c 145 § 50.]

Notes:

Reviser's note: *This section was amended by 1999 c 274 § 9 and by 1999 c 308 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).*

Effective date--1999 c 308: *See note following RCW 46.20.120.*

Severability--1988 c 227: *See RCW 46.81A.900.*

Effective date--1985 ex.s. c 1: *See note following RCW 46.20.070.*

Severability--1982 c 77: *See note following RCW 46.20.500.*

Severability--1967 ex.s. c 145: *See RCW 47.98.043.*

Motorcycle safety education account: RCW 46.68.065.

RCW 46.20.510 Instruction permit--Fee.

Applicable Cases

(1) **Motorcycle instruction permit.** A person holding a valid driver's license who wishes to learn to ride a motorcycle may apply for a motorcycle instruction permit. The department may issue a motorcycle instruction permit after the applicant has successfully passed all parts of the motorcycle examination other than the driving test. The director shall collect a two dollar and fifty cent fee for the motorcycle instruction permit or renewal, and deposit the fee in the motorcycle safety education account of the highway safety fund.

(2) **Effect of motorcycle instruction permit.** A person holding a motorcycle instruction permit may drive a motorcycle upon the public highways if the person has immediate possession of the permit and a valid driver's license. An individual with a motorcyclist's instruction permit may not carry passengers and may not operate a motorcycle during the hours of darkness.

(3) **Term of motorcycle instruction permit.** A motorcycle instruction permit is valid for ninety days from the date of issue.

(a) The department may issue one additional ninety-day permit.

(b) The department may issue a third motorcycle instruction permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

[1999 c 274 § 10; 1999 c 6 § 25; 1989 c 337 § 9; 1985 ex.s. c 1 § 9; 1985 c 234 § 3; 1982 c 77 § 3.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Severability--1982 c 77: See note following RCW 46.20.500.

RCW 46.20.515 Examination--Emphasis.

Applicable Cases

The motorcycle endorsement examination must emphasize maneuvers necessary for on-street operation, including emergency braking and turning as may be required to avoid an impending collision.

[1999 c 274 § 11; 1982 c 77 § 4.]

Notes:

Severability--1982 c 77: See note following RCW 46.20.500.

RCW 46.20.520 Training and education program--Advisory board.

Applicable Cases

(1) The director of licensing shall use moneys designated for the motorcycle safety education account of the highway safety fund to implement by July 1, 1983, a voluntary motorcycle operator training and education program. The director may contract with public and private entities to implement this program.

(2) There is created a motorcycle safety education advisory board to assist the director of licensing in the development of a motorcycle operator training education program. The board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the motorcycle operator training and education program.

The board shall consist of five members appointed by the director of licensing. Three members of the board, one of whom shall be appointed chairperson, shall be active motorcycle riders or members of nonprofit motorcycle organizations which actively support and promote motorcycle safety education. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. The term of appointment shall be two years. The board shall meet at the call of the director, but not less than two times annually and not less than five times during its term of appointment, and shall receive no compensation for services but shall be reimbursed for travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The priorities of the program shall be in the following order of priority:

- (a) Public awareness of motorcycle safety.
- (b) Motorcycle safety education programs conducted by public and private entities.
- (c) Classroom and on-cycle training.
- (d) Improved motorcycle operator testing.

[1998 c 245 § 89; 1987 c 454 § 3; 1982 c 77 § 5.]

Notes:

Severability--1982 c 77: See note following RCW 46.20.500.

ALCOHOL DETECTION DEVICES

RCW 46.20.710 Legislative finding.

Applicable Cases

The legislature finds and declares:

(1) There is a need to reduce the incidence of drivers on the highways and roads of this state who, because of their use, consumption, or possession of alcohol, pose a danger to the health and safety of other drivers;

(2) One method of dealing with the problem of drinking drivers is to discourage the use of motor vehicles by persons who possess or have consumed alcoholic beverages;

(3) The installation of an ignition interlock breath alcohol device or other biological or technical device will provide a means of deterring the use of motor vehicles by persons who have consumed alcoholic beverages;

(4) Ignition interlock and other biological and technical devices are designed to supplement other methods of punishment that prevent drivers from using a motor vehicle after using, possessing, or consuming alcohol;

(5) It is economically and technically feasible to have an ignition interlock or other biological or technical device installed in a motor vehicle in such a manner that the vehicle will not start if the operator has recently consumed alcohol.

[1994 c 275 § 21; 1987 c 247 § 1.]

Notes:

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.720 Drivers convicted of alcohol offenses.

Applicable Cases

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.

(2) If a person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and it is: (a) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration; or (b) the person's second or subsequent conviction; or (c) the person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction, the court shall order that after any applicable period of

suspension, revocation, or denial of driving privileges, the person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device. The court may waive the requirement for the use of such a device if the court makes a specific finding in writing that such devices are not reasonably available in the local area. Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.

(3) The court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section, the period of time of the restriction will be as follows:

(a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW, and (ii) who has not previously been restricted under this section, a period of not less than one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of not less than five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of not less than ten years.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

[1999 c 331 § 3; 1998 c 210 § 2; 1997 c 229 § 8; 1994 c 275 § 22; 1987 c 247 § 2.]

Notes:

Effective date--1999 c 331: See note following RCW 9.94A.360.

Short title--1998 c 210: "This act may be known and cited as the Mary Johnsen Act." [1998 c 210 § 1.]

Finding--Intent--1998 c 210: "The legislature finds that driving is a privilege and that the state may restrict that privilege in the interests of public safety. One such reasonable restriction is requiring certain individuals, if they choose to drive, to drive only vehicles equipped with ignition interlock devices. The legislature further finds that the costs of these devices are minimal and are affordable. It is the intent of the legislature that these devices be paid for by the drivers using them and that neither the state nor entities of local government provide any public funding for this purpose." [1998 c 210 § 7.]

Effective date--1998 c 210: "This act takes effect January 1, 1999." [1998 c 210 § 9.]

Effective date--1997 c 229: See note following RCW 10.05.090.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.740 Notation on driver's license--Penalty.

Applicable Cases

(1) The department shall attach or imprint a notation on the driver's license of any person restricted under RCW 46.20.720 stating that the person may operate only a motor vehicle equipped with an ignition interlock or other biological or technical device.

(2) It is a misdemeanor for a person with such a notation on his or her driver's license to operate a motor vehicle that is not so equipped.

[1997 c 229 § 10; 1994 c 275 § 24; 1987 c 247 § 4.]

Notes:

Effective date--1997 c 229: See note following RCW 10.05.090.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.20.750 Assisting another in starting or operating--Penalty.

Applicable Cases

A person who knowingly assists another person who is restricted to the use of an ignition interlock or other biological or technical device to start and operate that vehicle in violation of a court order is guilty of a gross misdemeanor.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an ignition interlock or other biological or technical device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the court order does not operate the vehicle.

[1994 c 275 § 25; 1987 c 247 § 5.]

Notes:

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

MISCELLANEOUS

RCW 46.20.900 Repeal and saving.

Applicable Cases

Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

[1965 ex.s. c 121 § 46.]

RCW 46.20.910 Severability--1965 ex.s. c 121.

Applicable Cases

If any provision of this 1965 amendatory act, or its application to any person or

circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected.

[1965 ex.s. c 121 § 47.]

RCW 46.20.911 Severability, implied consent law--1969 c 1.

Applicable Cases

If any provision of RCW 46.20.308, 46.20.311, and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW 46.20.308, 46.20.311, and 46.61.506, or the application of the provision to other persons or circumstances is not affected.

[1990 c 250 § 49; 1969 c 1 § 6 (Initiative Measure No. 242, approved November 5, 1968).]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

**Chapter 46.21 RCW
DRIVER LICENSE COMPACT**

RCW

46.21.010	Compact enacted--Provisions.
46.21.020	"Licensing authority" defined--Duty to furnish information.
46.21.030	Expenses of compact administrator.
46.21.040	"Executive head" defined.

RCW 46.21.010 Compact enacted--Provisions.

Applicable Cases

The driver license compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments is hereby entered into and enacted into law, the terms and provisions of which shall be as follows:

DRIVER LICENSE COMPACT

ARTICLE I--Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II--Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III--Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV--Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Vehicular homicide;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of

safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V--Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI--Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII--Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII--Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX--Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1983 c 164 § 5; 1963 c 120 § 1.]

RCW 46.21.020 "Licensing authority" defined--Duty to furnish information.

Applicable Cases

As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of licensing. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact.

[1979 c 158 § 154; 1967 c 32 § 36; 1963 c 120 § 2.]

RCW 46.21.030 Expenses of compact administrator.

Applicable Cases

The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or

responsibilities of his office or employment.

[1963 c 120 § 3.]

RCW 46.21.040 "Executive head" defined.

Applicable Cases

As used in the compact, with reference to this state, the term "executive head" shall mean governor.

[1963 c 120 § 4.]

**Chapter 46.23 RCW
NONRESIDENT VIOLATOR COMPACT**

RCW

46.23.010	Compact established--Provisions.
46.23.020	Reciprocal agreements authorized--Provisions.
46.23.040	Review of agreement by legislative transportation committee.
46.23.050	Rules.

RCW 46.23.010 Compact established--Provisions.

Applicable Cases

The nonresident violator compact, hereinafter called "the compact," is hereby established in the form substantially as follows, and the Washington state department of licensing is authorized to enter into such compact with all other jurisdictions legally joining therein:

NONRESIDENT VIOLATOR COMPACT

Article I -- Findings, Declaration of Policy, and
Purpose

(a) The party jurisdictions find that:

(1) In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than his home jurisdiction: Must post collateral or bond to secure appearance for trial at a later date; or if unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or is taken directly to court for his trial to be held.

(2) In some instances, the motorist's driver's license may be deposited as collateral to be returned after he has complied with the terms of the citation.

(3) The purpose of the practices described in paragraphs (1) and (2) above is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue on his way after receiving the traffic citation, could return to him [his] home jurisdiction and disregard his duty under the terms of the traffic citation.

(4) A motorist receiving a traffic citation in his home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation and to

immediately continue on his way after promising or being instructed to comply with the terms of the citation.

(5) The practice described in paragraph (1) above, causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made.

(6) The deposit of a driver's license as a bail bond, as described in paragraph (2) above, is viewed with disfavor.

(7) The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to:

(1) Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions.

(2) Allow motorists to accept a traffic citation for certain violations and proceed on their way without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued.

(3) Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction.

(4) Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph (b) above in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

Article II -- Definitions

As used in the compact, the following words have the meaning indicated, unless the context requires otherwise.

(1) "Citation" means any summons, ticket, notice of infraction, or other official document issued by a police officer for a traffic offense containing an order which requires the motorist to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic offense.

(3) "Court" means a court of law or traffic tribunal.

(4) "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

(5) "Home jurisdiction" means the jurisdiction that issued the driver's license of the traffic

violation.

(6) "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist.

(7) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(8) "Motorist" means a driver of a motor vehicle operating in a party jurisdiction other than the home jurisdiction.

(9) "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that he will comply with the terms of that traffic citation.

(10) "Police officer" means any individual authorized by the party jurisdiction to issue a citation for a traffic offense.

(11) "Terms of the citation" means those options expressly stated upon the citation.

Article III -- Procedure for Issuing Jurisdiction

(a) When issuing a citation for a traffic violation or infraction, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, subject to the exceptions noted in paragraph (b) of this article, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he or she will comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place immediately following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the issuing jurisdiction and insofar as practical shall contain information as specified in the compact manual as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the licensing authority of the issuing jurisdiction shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content substantially conforming to the compact manual.

(e) The licensing authority of the issuing jurisdiction may not suspend the privilege of a motorist for whom a report has been transmitted.

(f) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation if the date of transmission is more than six months after the date on which the traffic citation was issued.

(g) The licensing authority of the issuing jurisdiction shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

Article IV -- Procedure for Home Jurisdiction

(a) Upon receipt of a report of a failure to comply from the licensing authority of the issuing jurisdiction, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action, in accordance with the home jurisdiction's procedures, to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the home jurisdiction licensing authority. Due process safeguards will be accorded.

(b) The licensing authority of the home jurisdiction shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the compact manual.

Article V – Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party jurisdiction and a nonparty jurisdiction.

Article VI -- Compact Administrator Procedures

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each party jurisdiction to be known as the compact administrator. The compact administrator shall be appointed by the jurisdiction executive and will serve and be subject to removal in accordance with the laws of the jurisdiction he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor. Action by the board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The board shall elect annually, from its membership, a chairman and a vice chairman.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize, and dispose of the same.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.

Article VII -- Entry into Compact and Withdrawal

(a) This compact shall become effective when it has been adopted by at least two jurisdictions.

(b) Entry into the compact shall be made by a resolution of ratification executed by the department of licensing and submitted to the chairman of the board. The resolution shall be in a form and content as provided in the compact manual and shall include statements that in substance are as follows:

(1) A citation of the authority by which the jurisdiction is empowered to become a party to this compact.

(2) Agreement to comply with the terms and provisions of the compact.

(3) That compact entry is with all jurisdictions then party to the compact and with any jurisdiction that legally becomes a party to the compact.

(c) The effective date of entry shall be specified by the applying jurisdiction, but it shall not be less than sixty days after notice has been given by the chairman of the board of compact administrators or by the secretariat of the board to each party jurisdiction that the resolution from the applying jurisdiction has been received.

(d) A party jurisdiction may withdraw from this compact by official written notice to the other party jurisdictions, but a withdrawal shall not take effect until ninety days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member jurisdiction. No withdrawal shall affect the validity of this compact as to the remaining party jurisdictions.

Article VIII -- Exceptions

The provisions of this compact shall not apply to parking or standing violations, highway weight limit violations, and violations of law governing the transportation of hazardous materials.

Article IX -- Amendments to the Compact

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective thirty days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the compact chairman within one hundred twenty days after receipt of the proposed amendment shall constitute endorsement.

Article X -- Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party jurisdiction or of the United States or the applicability thereof to any government, agency, person, or circumstance, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any jurisdiction party thereto, the compact shall remain in full force and effect as to the remaining jurisdictions and in full force and effect as to the jurisdiction affected as to all severable matters.

Article XI -- Title

This compact shall be known as the nonresident violator compact.

[1982 c 212 § 1.]

RCW 46.23.020 Reciprocal agreements authorized--Provisions.

Applicable Cases

(1) The Washington state department of licensing is authorized and encouraged to execute a reciprocal agreement with the Canadian province of British Columbia, and with any other state which is not a member of the nonresident violator compact, concerning the rendering of mutual assistance in the disposition of traffic infractions committed by persons licensed in one state or province while in the jurisdiction of the other.

(2) Such agreements shall provide that if a person licensed by either state or province is issued a citation by the other state or province for a moving traffic violation covered by the agreement, he shall not be detained or required to furnish bail or collateral, and that if he fails to comply with the terms of the citation, his license shall be suspended or renewal refused by the state or province that issued the license until the home jurisdiction is notified by the issuing jurisdiction that he has complied with the terms of the citation.

(3) Such agreement shall also provide such terms and procedures as are necessary and proper to facilitate its administration.

[1982 c 212 § 2.]

RCW 46.23.040 Review of agreement by legislative transportation committee.

Applicable Cases

Before any agreement made pursuant to RCW 46.23.010 or 46.23.020 may be formally

executed and become effective, it shall first be submitted for review by the legislative transportation committee.

[1982 c 212 § 4.]

RCW 46.23.050 Rules.

Applicable Cases

The department shall adopt rules for the administration and enforcement of RCW 46.23.010 and 46.23.020 in accordance with chapter 34.05 RCW.

[1982 c 212 § 6.]

**Chapter 46.25 RCW
UNIFORM COMMERCIAL DRIVER'S LICENSE ACT**

RCW

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RCW 46.25.001 Short title.

Applicable Cases

This chapter may be cited as the Uniform Commercial Driver's License Act.

[1989 c 178 § 1.]

RCW 46.25.005 Purpose--Construction.

Applicable Cases

(1) The purpose of this chapter is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), Title XII, P.L. 99-570, and reduce or prevent commercial motor

vehicle accidents, fatalities, and injuries by:

- (a) Permitting commercial drivers to hold only one license;
 - (b) Disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses;
 - (c) Strengthening licensing and testing standards.
- (2) This chapter is a remedial law and shall be liberally construed to promote the public health, safety, and welfare. To the extent that this chapter conflicts with general driver licensing provisions, this chapter prevails. Where this chapter is silent, the general driver licensing provisions apply.

[1989 c 178 § 2.]

RCW 46.25.010 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

- (1) "Alcohol" means any substance containing any form of alcohol, including but not limited to ethanol, methanol, propanol, and isopropanol.
- (2) "Alcohol concentration" means:
 - (a) The number of grams of alcohol per one hundred milliliters of blood; or
 - (b) The number of grams of alcohol per two hundred ten liters of breath.
- (3) "Commercial driver's license" (CDL) means a license issued in accordance with the requirements of this chapter to an individual that authorizes the individual to drive a class of commercial motor vehicle.
- (4) The "commercial driver's license information system" (CDLIS) is the information system established pursuant to the CMVSA to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
- (5) "Commercial driver's instruction permit" means a permit issued under RCW 46.25.060(4).
- (6) "Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:
 - (a) If the vehicle has a gross weight rating of 26,001 or more pounds;
 - (b) If the vehicle is designed to transport sixteen or more passengers, including the driver;
 - (c) If the vehicle is transporting hazardous materials and is required to be identified by a placard in accordance with 49 C.F.R. part 172, subpart F; or
 - (d) If the vehicle is a school bus as defined in RCW 46.04.521 regardless of weight or size.
- (7) "Conviction" has the definition set forth in RCW 46.20.270.
- (8) "Disqualification" means a prohibition against driving a commercial motor vehicle.
- (9) "Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and 46.25.120, "drive" includes operation or physical control of a motor vehicle anywhere in the state.

(10) "Drugs" are those substances as defined by RCW 69.04.009.

(11) "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.

(12) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as the maximum loaded weight of a single or a combination or articulated vehicle, or the registered gross weight, where this value cannot be determined. The GVWR of a combination or articulated vehicle, commonly referred to as the "gross combined weight rating" or GCWR, is the GVWR of the power unit plus the GVWR of the towed unit or units.

(13) "Hazardous materials" has the same meaning found in Section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.).

(14) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(15) "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.

(16) "Serious traffic violation" means:

(a) Excessive speeding, defined as fifteen miles per hour or more in excess of the posted limit;

(b) Reckless driving, as defined under state or local law;

(c) A violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person; and

(d) Any other violation of a state or local law relating to motor vehicle traffic control, other than a parking violation, that the department determines by rule to be serious.

(17) "State" means a state of the United States and the District of Columbia.

(18) "Tank vehicle" means a vehicle that is designed to transport a liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Tank vehicles include, but are not limited to cargo tanks and portable tanks. However, this definition does not include portable tanks having a rated capacity under one thousand gallons.

(19) "United States" means the fifty states and the District of Columbia.

[1996 c 30 § 1; 1989 c 178 § 3.]

Notes:

Effective date--1996 c 30: "This act takes effect October 1, 1996." [1996 c 30 § 5.]

RCW 46.25.020 One license limit.

Applicable Cases

No person who drives a commercial motor vehicle may have more than one driver's license.

[1989 c 178 § 4.]

RCW 46.25.030 Duties of driver--Notice to department and employer.

Applicable Cases

(1)(a) A driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the department in the manner specified by rule of the department within thirty days of the date of conviction.

(b) A driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating a state law or local ordinance relating to motor vehicle traffic control in this or any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify his or her employer in writing of the conviction within thirty days of the date of conviction.

(c) The notification requirements contained in (a) and (b) of this subsection as they relate to the federal, provincial, territorial, or municipal laws of Canada become effective only when the federal law or federal rules are changed to require the notification or a bilateral or multilateral agreement is entered into between the state of Washington and any Canadian province implementing essentially the same standards of regulation and penalties of all parties as encompassed in this chapter.

(2) A driver whose driver's license is suspended, revoked, or canceled by a state, who loses the privilege to drive a commercial motor vehicle in a state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify his or her employer of that fact before the end of the business day following the day the driver received notice of that fact.

(3) A person who applies to be a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

(a) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;

(b) The dates between which the applicant drove for each employer; and

(c) The reason for leaving that employer.

The applicant shall certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

[1989 c 178 § 5.]

RCW 46.25.040 Duties of employer.

Applicable Cases

(1) An employer shall require the applicant to provide the information specified in RCW 46.25.030(3).

(2) No employer may knowingly allow, permit, or authorize a driver to drive a

commercial motor vehicle during any period:

(a) In which the driver has a driver's license suspended, revoked, or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle; or

(b) In which the driver has more than one driver's license.

[1989 c 178 § 6.]

RCW 46.25.050 Commercial driver's license required--Exceptions, restrictions.

Applicable Cases

(1) Drivers of commercial motor vehicles shall obtain a commercial driver's license as required under this chapter by April 1, 1992. The director shall establish a program to convert all qualified commercial motor vehicle drivers by that date. After April 1, 1992, except when driving under a commercial driver's instruction permit and a valid automobile or classified license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person holds and is in immediate possession of a commercial driver's license and applicable endorsements valid for the vehicle they are driving. However, this requirement does not apply to any person:

(a) Who is the operator of a farm vehicle, and the vehicle is:

(i) Controlled and operated by a farmer;

(ii) Used to transport either agricultural products, which in this section include Christmas trees and wood products harvested from private tree farms and transported by vehicles weighing no more than forty thousand pounds licensed gross vehicle weight, farm machinery, farm supplies, or any combination of those materials to or from a farm;

(iii) Not used in the operations of a common or contract motor carrier; and

(iv) Used within one hundred fifty miles of the person's farm; or

(b) Who is a fire fighter or law enforcement officer operating emergency equipment, and:

(i) The fire fighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The fire fighter or law enforcement officer carries a certificate attesting to the successful completion of the approved training course; or

(c) Who is operating a recreational vehicle for noncommercial purposes. As used in this section, "recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

(2) No person may drive a commercial motor vehicle while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of an out-of-service order. Violations of this subsection shall be punished in the same way as violations of RCW 46.20.342(1).

[1995 c 393 § 1; 1990 c 56 § 1; 1989 c 178 § 7.]

RCW 46.25.060 Knowledge and skills test--Instruction permit.

Applicable Cases

(1)(a) No person may be issued a commercial driver's license unless that person is a resident of this state and has passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than fifty dollars for each classified skill examination or combination of classified skill examinations conducted by the department.

(b) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section under the following conditions:

- (i) The test is the same which would otherwise be administered by the state;
- (ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. part 383.75; and
- (iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(2) The department may waive the skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. part 383.77.

(3) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(4)(a) A commercial driver's instruction permit may be issued to an individual who holds a valid automobile or classified driver's license.

(b) A commercial driver's instruction permit may not be issued for a period to exceed six months. Only one renewal or reissuance may be granted within a two-year period. The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. An application for a commercial driver's instruction permit shall be accompanied by a fee of five dollars. The department shall forthwith transmit the fees collected for commercial driver's instruction permits to the state treasurer.

[1989 c 178 § 8.]

RCW 46.25.070 Application--Change of address--Residency.

Applicable Cases

(1) The application for a commercial driver's license or commercial driver's instruction permit must include the following:

- (a) The full name and current mailing and residential address of the person;
- (b) A physical description of the person, including sex, height, weight, and eye color;
- (c) Date of birth;
- (d) The applicant's Social Security number;
- (e) The person's signature;
- (f) Certifications including those required by 49 C.F.R. part 383.71(a);
- (g) Proof of certification of physical examination or waiver, as required by 49 C.F.R. 391.41 through 391.49;
- (h) Any other information required by the department; and
- (i) A consent to release driving record information to parties identified in chapter 46.52 RCW and this chapter.

(2) When a licensee changes his or her name, mailing address, or residence address, the person shall notify the department as provided in RCW 46.20.205.

(3) No person who has been a resident of this state for thirty days may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

[1991 c 73 § 2; 1989 c 178 § 9.]

RCW 46.25.080 License contents, classifications, endorsements, restrictions, expiration--Exchange of information.

Applicable Cases

(1) The commercial driver's license must be marked "commercial driver's license" or "CDL," and must be, to the maximum extent practicable, tamperproof. It must include, but not be limited to, the following information:

- (a) The name and residence address of the person;
- (b) The person's color photograph;
- (c) A physical description of the person including sex, height, weight, and eye color;
- (d) Date of birth;
- (e) The person's Social Security number or any number or identifier deemed appropriate by the department;
- (f) The person's signature;
- (g) The class or type of commercial motor vehicle or vehicles that the person is authorized to drive, together with any endorsements or restrictions;
- (h) The name of the state; and
- (i) The dates between which the license is valid.

(2) Commercial driver's licenses may be issued with the classifications, endorsements, and restrictions set forth in this subsection. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles and vehicles that require an endorsement, unless the proper endorsement

appears on the license.

(a) Licenses may be classified as follows:

(i) Class A is a combination of vehicles with a gross combined weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the vehicle being towed is in excess of 10,000 pounds.

(ii) Class B is a single vehicle with a GVWR of 26,001 pounds or more, and any such vehicle towing a vehicle not in excess of 10,000 pounds.

(iii) Class C is a single vehicle with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds consisting of:

(A) Vehicles designed to transport sixteen or more passengers, including the driver; or

(B) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F.

(b) The following endorsements and restrictions may be placed on a license:

(i) "H" authorizes the driver to drive a vehicle transporting hazardous materials.

(ii) "K" restricts the driver to vehicles not equipped with air brakes.

(iii) "T" authorizes driving double and triple trailers.

(iv) "P1" authorizes driving all vehicles carrying passengers.

(v) "P2" authorizes driving vehicles with a GVWR of less than 26,001 pounds carrying sixteen or more passengers, including the driver.

(vi) "N" authorizes driving tank vehicles.

(vii) "X" represents a combination of hazardous materials and tank vehicle endorsements.

The license may be issued with additional endorsements and restrictions as established by rule of the director.

(3) All school bus drivers must have either a "P1" or "P2" endorsement depending on the GVWR of the school bus being driven.

(4) Before issuing a commercial driver's license, the department shall obtain driving record information through the commercial driver's license information system, the national driver register, and from the current state of record.

(5) Within ten days after issuing a commercial driver's license, the department must notify the commercial driver's license information system of that fact, and provide all information required to ensure identification of the person.

(6) A commercial driver's license shall expire in the same manner as provided in RCW 46.20.181.

(7) When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by RCW 46.25.070(1), providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the applicant shall take and pass the written test for a hazardous materials endorsement.

[1996 c 30 § 2; 1989 c 178 § 10.]

Notes:

Effective date--1996 c 30: See note following RCW 46.25.010.

RCW 46.25.090 Disqualification--Grounds for, period of--Records, notice.

Applicable Cases

(1) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if a report has been received by the department pursuant to RCW 46.25.120, or if the person has been convicted of a first violation, within this or any other jurisdiction, of:

- (a) Driving a commercial motor vehicle under the influence of alcohol or any drug;
- (b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;
- (c) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;
- (d) Using a commercial motor vehicle in the commission of a felony;
- (e) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle.

If any of the violations set forth in this subsection occurred while transporting a hazardous material required to be identified by a placard, the person is disqualified for a period of not less than three years.

(2) A person is disqualified for life if it has been determined that the person has committed or has been convicted of two or more violations of any of the offenses specified in subsection (1) of this section, or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after October 1, 1989, may be considered in applying this subsection.

(3) The department may adopt rules, in accordance with federal regulations, establishing guidelines, including conditions, under which a disqualification for life under subsection (2) of this section may be reduced to a period of not less than ten years.

(4) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by chapter 69.50 RCW, or possession with intent to manufacture, distribute, or dispense a controlled substance, as defined by chapter 69.50 RCW.

(5) A person is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of or found to have committed two serious traffic violations, or one hundred twenty days if convicted of or found to have committed three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(6) A person is disqualified from driving a commercial motor vehicle for a period of:

(a) Not less than ninety days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order;

(b) Not less than one year nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed two violations of out-of-service orders in separate incidents;

(c) Not less than three years nor more than five years if, during a ten-year period, the

person is convicted of or is found to have committed three or more violations of out-of-service orders in separate incidents;

(d) Not less than one hundred eighty days nor more than two years if the person is convicted of or is found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Sec. 1801-1813), or while operating motor vehicles designed to transport sixteen or more passengers, including the driver. A person is disqualified for a period of not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver.

(7) Within ten days after suspending, revoking, or canceling a commercial driver's license, the department shall update its records to reflect that action. After suspending, revoking, or canceling a nonresident commercial driver's privileges, the department shall notify the licensing authority of the state that issued the commercial driver's license.

[1996 c 30 § 3; 1989 c 178 § 11.]

Notes:

Effective date--1996 c 30: See note following RCW 46.25.010.

RCW 46.25.100 Restoration after disqualification.

Applicable Cases

When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090. After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars, the person may apply for a new, duplicate, or renewal commercial driver's license as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license qualification standards specified in RCW 46.25.060.

[1989 c 178 § 12.]

RCW 46.25.110 Driving with alcohol in system.

Applicable Cases

(1) Notwithstanding any other provision of Title 46 RCW, a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol in his or her system.

(2) Law enforcement or appropriate officials shall issue an out-of-service order valid for twenty-four hours against a person who drives, operates, or is in physical control of a commercial motor vehicle while having alcohol in his or her system or who refuses to take a test to determine his or her alcohol content as provided by RCW 46.25.120.

[1989 c 178 § 13.]

RCW 46.25.120 Test for alcohol or drugs--Disqualification for refusal of test or positive test.

Applicable Cases

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcohol concentration of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

[1998 c 41 § 6; 1990 c 250 § 50; 1989 c 178 § 14.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.25.130 Report of violation by nonresident.

Applicable Cases

Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the department shall notify the driver licensing authority in the licensing state of the conviction.

[1989 c 178 § 15.]

RCW 46.25.140 Rules.

Applicable Cases

The department may adopt rules necessary to carry out this chapter.

[1989 c 178 § 16.]

RCW 46.25.150 Agreements to carry out chapter.

Applicable Cases

The department may enter into or make agreements, arrangements, or declarations to carry out this chapter.

[1989 c 178 § 17.]

RCW 46.25.160 Licenses issued by other states.

Applicable Cases

Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license or commercial driver's instruction permit issued by any state in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses or permits, if the person's license or permit is not suspended, revoked, or canceled, and if the person is not disqualified from driving a commercial motor vehicle or is subject to an out-of-service order.

[1989 c 178 § 18.]

RCW 46.25.170 Civil and criminal penalties.

Applicable Cases

(1) A person subject to RCW 81.04.405 who is determined by the utilities and transportation commission, after notice, to have committed an act that is in violation of RCW 46.25.020, 46.25.030, 46.25.040, 46.25.050, or 46.25.110 is liable to Washington state for the civil penalties provided for in RCW 81.04.405.

(2) A person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provision of RCW 46.25.020, 46.25.030, 46.25.040, 46.25.050, or 46.25.110 is guilty of a gross misdemeanor.

[1989 c 178 § 19.]

RCW 46.25.900 Severability--1989 c 178.

Applicable Cases

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

[1989 c 178 § 30.]

RCW 46.25.901 Effective dates--1989 c 178.

Applicable Cases

Sections 25, 26, 28, and 32 of this act shall take effect on April 1, 1992. The remainder of this act shall take effect on October 1, 1989. The director of licensing may immediately take such steps as are necessary to insure that all sections of this act are implemented on their respective effective dates.

[1989 c 178 § 33.]

**Chapter 46.29 RCW
FINANCIAL RESPONSIBILITY**

RCW

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ADMINISTRATION

RCW 46.29.010 Purpose.

Applicable Cases

It is the purpose of this chapter to adopt in substance the provisions of the uniform vehicle code relating to financial responsibility in order to achieve greater uniformity with the laws of other states and thereby reduce the conflicts in laws confronting motorists as they travel between states.

[1963 c 169 § 1.]

RCW 46.29.020 Definitions.

Applicable Cases

(1) The term "owner" as used in this chapter shall mean registered owner as defined in RCW 46.04.460.

(2) The term "registration" as used in this chapter shall mean the certificate of license registration issued under the laws of this state.

[1963 c 169 § 2.]

RCW 46.29.030 Director to administer chapter.

Applicable Cases

(1) The director shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

(2) The director shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

[1963 c 169 § 3.]

RCW 46.29.040 Court review.

Applicable Cases

Any order of the director under the provisions of this chapter shall be subject to review, at

the instance of any party in interest, by appeal to the superior court of Thurston county, or at his option to the superior court of the county of his residence. The scope of such review shall be limited to that prescribed by RCW 7.16.120 governing review by certiorari. Notice of appeal must be filed within thirty days after service of the notice of such order. The court shall determine whether the filing of the appeal shall operate as a stay of any such order of the director. Upon the filing the notice of appeal the court shall issue an order to the director to show cause why the order should not be reversed or modified. The order to show cause shall be returnable not less than ten nor more than thirty days after the date of service thereof upon the director. The court after hearing the matter may modify, affirm or reverse the order of the director in whole or in part.

[1998 c 41 § 7; 1963 c 169 § 4.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

RCW 46.29.050 Furnishing driving record and evidence of ability to respond in damages--Fees.

Applicable Cases

(1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

[1987 1st ex.s. c 9 § 1; 1985 ex.s. c 1 § 10; 1979 ex.s. c 136 § 63; 1969 ex.s. c 40 § 1; 1967 c 174 § 1; 1963 c 169 § 5.]

Notes:

Severability--1987 1st ex.s. c 9: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 1st ex.s. c 9 § 11.]

Effective date--1987 1st ex.s. c 9: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 1st ex.s. c 9 § 12.]

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective date--1967 c 174: "Sections 1, 2, 3 and 4 of this amendatory act shall become effective July 1, 1967." [1967 c 174 § 7.]

Abstract of driving record furnished to insurance company: RCW 46.52.130.

SECURITY FOLLOWING ACCIDENT

RCW 46.29.060 Application of sections requiring deposit of security and suspensions for failure to deposit security.

Applicable Cases

The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the director. The director shall adopt rules establishing the property damage threshold at which the provisions of this chapter apply with respect to the deposit of security and suspensions for failure to deposit security. Beginning October 1, 1987, the property damage threshold shall be five hundred dollars. The thresholds shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision and by the threshold established by the chief of the Washington state patrol for the filing of accident reports as provided in RCW 46.52.030.

[1987 c 463 § 1; 1977 ex.s. c 369 § 1; 1971 ex.s. c 22 § 2; 1963 c 169 § 6.]

RCW 46.29.070 Department to determine amount of security required--Notices.

Applicable Cases

(1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within one hundred eighty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is

possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided not less than twenty days and not more than sixty days after the sending of such notice unless within said time security be deposited as required by said notice.

[1981 c 309 § 1; 1979 c 78 § 1; 1963 c 169 § 7.]

Notes:

Proof of financial security for the future required in addition to security after accident: RCW 46.29.420.

RCW 46.29.080 Exceptions as to requirement of security.

Applicable Cases

The requirements as to security and suspension in this chapter shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond as to which there is a bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond;

(4) To the driver, whether or not the owner, if there is a bona fide claim on the part of the driver that there was in effect at the time of the accident, an automobile liability policy or bond insuring or covering such driver;

(5) To any person qualifying as a self-insurer under RCW 46.29.630 or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission, except if the vehicle was operated by his minor child or spouse;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle.

[1965 c 124 § 1; 1963 c 169 § 8.]

RCW 46.29.090 Requirements as to policy or bond.

Applicable Cases

(1) No policy or bond is effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than ten thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond is effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it executes a power of attorney authorizing the director of licensing to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

[1980 c 117 § 3; 1979 c 158 § 155; 1967 ex.s. c 3 § 1; 1963 c 169 § 9.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: "This amendatory act shall take effect on July 1, 1968." [1967 ex.s. c 3 § 6.]

RCW 46.29.100 Form and amount of security.

Applicable Cases

(1) The security required under this chapter shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in RCW 46.29.090 in reference to the acceptable limits of a policy or bond.

(2) Every depositor of security shall designate in writing every person in whose name such deposit is made and may at any time change such designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

[1963 c 169 § 10.]

RCW 46.29.110 Failure to deposit security--Suspensions.

Applicable Cases

If a person required to deposit security under this chapter fails to deposit such security within sixty days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

- (1) The driver's license of each driver in any manner involved in the accident;
- (2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in the accident;
- (3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state.

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter.

[1990 c 250 § 51; 1987 c 378 § 1; 1967 c 32 § 37; 1963 c 169 § 11.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.120 Release from liability.

Applicable Cases

(1) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released from liability by such other person.

(2) In the event the department has evaluated the injuries or damage to any minor the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge.

[1965 c 124 § 2; 1963 c 169 § 12.]

RCW 46.29.130 Adjudication of nonliability.

Applicable Cases

A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

[1963 c 169 § 13.]

RCW 46.29.140 Agreements for payment of damages.

Applicable Cases

(1) Any two or more of the persons involved in or affected by an accident as described in RCW 46.29.060 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the department.

(2) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.

(3) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this chapter.

(4) Such suspension shall remain in effect and such license shall not be restored unless and until:

(a) Security is deposited as required under this chapter in such amount as the department may then determine,

(b) When, following any such default and suspension, the person in default has paid the balance of the agreed amount,

(c) When, following any such default and suspension, the person in default has resumed installment payments under an agreement acceptable to the creditor, or

(d) Three years have elapsed following the accident and evidence satisfactory to the department has been filed with it that during such period no action at law upon such agreement has been instituted and is pending.

[1981 c 309 § 2; 1963 c 169 § 14.]

RCW 46.29.150 Payment upon judgment.

Applicable Cases

The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by such judgment.

[1963 c 169 § 15.]

RCW 46.29.160 Termination of security requirement.

Applicable Cases

The department, if satisfied as to the existence of any fact which under RCW 46.29.120, 46.29.130, 46.29.140 or 46.29.150 would entitle a person to be relieved from the security

requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement, or if security has previously been deposited by such person, the department shall immediately return such deposit to such person or to his personal representative.

[1963 c 169 § 16.]

RCW 46.29.170 Duration of suspension.

Applicable Cases

Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the department under this chapter shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended until:

(1) Such person shall deposit or there shall be deposited on his behalf the security required under this chapter, or

(2) Three years have elapsed following the date of the accident resulting in such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit.

[1981 c 309 § 3; 1963 c 169 § 17.]

RCW 46.29.180 Application to nonresidents, unlicensed drivers, unregistered vehicles, and accidents in other states.

Applicable Cases

(1) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no driver's license in this state, then such driver shall not be allowed a driver's license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this state.

(2) When a nonresident's driving privilege is suspended pursuant to RCW 46.29.110, the department shall transmit a certified copy of the record or abstract of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provided for action in relation thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of such certification that the driving privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a nonresident's driving privilege had the accident occurred in this state, the department shall suspend the license of such resident. Such suspension shall continue until such resident furnishes

evidence of his compliance with the law of such other state relating to the deposit of such security.

[1967 c 32 § 38; 1963 c 169 § 18.]

RCW 46.29.190 Authority of department to decrease amount of security.

Applicable Cases

The department may reduce the amount of security ordered in any case if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

[1965 c 124 § 3; 1963 c 169 § 19.]

RCW 46.29.200 Correction of action by department.

Applicable Cases

Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, then upon receiving correct information within three years after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing, however, shall not be deemed to require the department to reevaluate the amount of any deposit required under this chapter.

[1967 c 61 § 1; 1965 c 124 § 4; 1963 c 169 § 20.]

RCW 46.29.210 Custody of security.

Applicable Cases

The department shall place any security deposited with it under this chapter in the custody of the state treasurer.

[1963 c 169 § 21.]

RCW 46.29.220 Disposition of security.

Applicable Cases

- (1) Such security shall be applicable and available only:
 - (a) For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or
 - (b) For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than three years after the date of the accident.
- (2) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant.

[1981 c 309 § 4; 1963 c 169 § 22.]

RCW 46.29.230 Return of deposit.

Applicable Cases

Upon the expiration of three years from the date of the accident resulting in the security requirement, any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it:

(1) That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

[1981 c 309 § 5; 1963 c 169 § 23.]

RCW 46.29.240 Certain matters not evidence in civil suits.

Applicable Cases

The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

[1963 c 169 § 24.]

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

RCW 46.29.250 Application of sections requiring deposit of proof of financial responsibility for the future.

Applicable Cases

The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws, or who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this state, or who having driven or owned a vehicle involved in an accident are required to deposit security under the provisions of RCW 46.29.070.

[1963 c 169 § 25.]

RCW 46.29.260 Meaning of "proof of financial responsibility for the future."

Applicable Cases

The term "proof of financial responsibility for the future" as used in this chapter means: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle

of a type subject to registration under the laws of this state, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future."

[1980 c 117 § 4; 1967 ex.s. c 3 § 2; 1963 c 169 § 26.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.270 Meaning of "judgment" and "state."

Applicable Cases

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

(1) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. The first page of a judgment must include a judgment summary that states damages are awarded under this section and the clerk of the court must give notice as outlined in RCW 46.29.310.

(2) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

[1999 c 296 § 2; 1963 c 169 § 27.]

RCW 46.29.280 Suspension continues until proof furnished.

Applicable Cases

Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction, forfeiture of bail, or finding that a traffic infraction has been committed, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. Upon receiving notice of the termination or cancellation of proof of financial responsibility for the future, the department shall resuspend or rerevoke the person's driving privilege until the person again gives and thereafter maintains proof of financial responsibility for the future.

[1985 c 157 § 1; 1979 ex.s. c 136 § 64; 1963 c 169 § 28.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.29.290 Action in respect to unlicensed person.

Applicable Cases

If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, no license shall be thereafter issued to such person unless he shall give and thereafter maintain proof of financial responsibility for the future.

[1965 c 124 § 5; 1963 c 169 § 29.]

RCW 46.29.300 Action in respect to nonresidents.

Applicable Cases

Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction, forfeiture of bail, or finding that a traffic infraction has been committed such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

[1979 ex.s. c 136 § 65; 1967 c 32 § 39; 1963 c 169 § 30.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.29.310 When courts to report nonpayment of judgments.

Applicable Cases

Whenever any person fails within thirty days to satisfy any judgment, then it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward immediately to the department the following:

(1) A certified copy or abstract of such judgment;

(2) A certificate of facts relative to such judgment;

(3) Where the judgment is by default, a certified copy or abstract of that portion of the record which indicates the manner in which service of summons was effectuated and all the measures taken to provide the defendant with timely and actual notice of the suit against him.

[1969 ex.s. c 44 § 1; 1963 c 169 § 31.]

RCW 46.29.320 Further action with respect to nonresidents.

Applicable Cases

If the defendant named in any certified copy or abstract of a judgment reported to the department is a nonresident, the department shall transmit those certificates furnished to it under RCW 46.29.310 to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

[1969 ex.s. c 44 § 2; 1963 c 169 § 32.]

RCW 46.29.330 Suspension for nonpayment of judgments.

Applicable Cases

The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, except as otherwise provided in this chapter.

[1990 c 250 § 52; 1969 ex.s. c 44 § 3; 1967 c 32 § 40; 1963 c 169 § 33.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.340 Exception in relation to government vehicles.

Applicable Cases

The provisions of RCW 46.29.330 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof.

[1963 c 169 § 34.]

RCW 46.29.350 Exception when consent granted by judgment creditor.

Applicable Cases

If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed a license or nonresident's driving privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in RCW 46.29.400, provided the judgment debtor furnishes proof of financial responsibility.

[1967 c 32 § 41; 1963 c 169 § 35.]

RCW 46.29.360 Exception when insurer liable.

Applicable Cases

No license or nonresident's driving privilege of any person shall be suspended under the provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. If the department finds that no insurer is obligated to pay such a judgment, the judgment debtor may file with the department a written notice of his intention to contest such finding by an action in the superior court. In such a case the license or the nonresident's driving privilege of such judgment debtor

shall not be suspended by the department under the provisions of this chapter for thirty days from the receipt of such notice nor during the pendency of any judicial proceedings brought in good faith to determine the liability of an insurer so long as the proceedings are being diligently prosecuted to final judgment by such judgment debtor. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, as provided in RCW 46.29.330.

[1967 c 32 § 42; 1963 c 169 § 36.]

RCW 46.29.370 Suspension continues until judgments paid and proof given.

Applicable Cases

Such license and nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in RCW 46.29.350, 46.29.360 and 46.29.400.

[1967 c 32 § 43; 1963 c 169 § 37.]

RCW 46.29.390 Payments sufficient to satisfy requirements.

Applicable Cases

(1) Judgments herein referred to are, for the purpose of this chapter only, deemed satisfied:

(a) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(2) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

[1980 c 117 § 5; 1979 c 61 § 14; 1967 ex.s. c 3 § 3; 1963 c 169 § 39.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.400 Installment payment of judgments--Default.

Applicable Cases

(1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(2) The department shall not suspend a license or nonresident's driving privilege, and shall restore any license or nonresident's driving privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtain such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

[1967 c 32 § 44; 1963 c 169 § 40.]

RCW 46.29.410 Action if breach of agreement.

Applicable Cases

In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's driving privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.

[1967 c 32 § 45; 1963 c 169 § 41.]

RCW 46.29.420 Proof required in addition to deposit of security after accident.

Applicable Cases

Any person required to deposit security under RCW 46.29.070, for the benefit or protection of another person injured or damaged in an accident, shall in addition be required to give proof of financial responsibility for the future. The department shall give written notice of such additional requirement to every such person at the time and in the manner provided in RCW 46.29.070 for giving notice of the requirement for security.

[1963 c 169 § 42.]

RCW 46.29.430 Additional proof required--Suspension or revocation for failure to give proof.

Applicable Cases

If a person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within sixty days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of the person.

[1990 c 250 § 53; 1987 c 371 § 1; 1967 c 32 § 46; 1963 c 169 § 43.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.440 Additional proof required--Suspension to continue until proof given and maintained.

Applicable Cases

Such license or nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person or may issue a new license containing such restrictions.

[1967 c 32 § 47; 1965 c 124 § 6; 1963 c 169 § 44.]

RCW 46.29.450 Alternate methods of giving proof.

Applicable Cases

Proof of financial responsibility when required under this chapter, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

- (1) A certificate of insurance as provided in RCW 46.29.460 or 46.29.470;
- (2) A bond as provided in RCW 46.29.520;
- (3) A certificate of deposit of money or securities as provided in RCW 46.29.550; or

(4) A certificate of self-insurance, as provided in RCW 46.29.630, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

[1963 c 169 § 45.]

RCW 46.29.460 Certificate of insurance as proof.

Applicable Cases

Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

[1963 c 169 § 46.]

RCW 46.29.470 Certificate furnished by nonresident as proof.

Applicable Cases

A nonresident may give proof of financial responsibility by filing with the department a

written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein.

[1963 c 169 § 47.]

RCW 46.29.480 Default by nonresident insurer.

Applicable Cases

If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

[1963 c 169 § 48.]

RCW 46.29.490 "Motor vehicle liability policy" defined.

Applicable Cases

(1) Certification. A "motor vehicle liability policy" as said term is used in this chapter means an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named in the policy as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted by the policy; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided under the policy in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workers' compensation, etc. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy defeats or voids said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitutes the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional coverage is not subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" applies only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide

that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy is deemed to fulfill the requirements for such a policy.

[1980 c 117 § 6; 1967 ex.s. c 3 § 4; 1963 c 169 § 49.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.500 Notice of cancellation or termination of certified policy.

Applicable Cases

When an insurance carrier has certified a motor vehicle liability policy under RCW 46.29.460 or 46.29.470 the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates.

[1963 c 169 § 50.]

RCW 46.29.510 Chapter not to affect other policies.

Applicable Cases

(1) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(2) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured.

[1963 c 169 § 51.]

RCW 46.29.520 Bond as proof.

Applicable Cases

Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least

twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of the superior court, which said bond shall be conditioned for payment of the amounts specified in RCW 46.29.260. Such bond shall be filed with the department and shall not be cancellable except after ten days written notice to the department.

[1963 c 169 § 52.]

RCW 46.29.530 When bond constitutes a lien.

Applicable Cases

Before a bond with individual sureties is accepted by the department it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate scheduled in such bond is located. Such bond shall constitute a lien from the date of such recording in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such bond was filed.

[1963 c 169 § 53.]

RCW 46.29.540 Action on bond.

Applicable Cases

If a judgment, rendered against the principal on any bond described in RCW 46.29.520, shall not be satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. Such an action to foreclose a lien shall be prosecuted in the same manner as an action to foreclose a mortgage on real estate.

[1963 c 169 § 54.]

RCW 46.29.550 Money or securities as proof.

Applicable Cases

Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him sixty thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of sixty thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

[1980 c 117 § 7; 1967 ex.s. c 3 § 5; 1963 c 169 § 55.]

Notes:

Effective date--1980 c 117: See note following RCW 48.22.030.

Effective date--1967 ex.s. c 3: See note following RCW 46.29.090.

RCW 46.29.560 Application of deposit.

Applicable Cases

Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. Any interest or other income accruing to such money or securities, so deposited, shall be paid by the state treasurer to the depositor, or his order, as received.

[1963 c 169 § 56.]

RCW 46.29.570 Owner may give proof for others.

Applicable Cases

The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person, or may issue a new license containing such restrictions.

[1963 c 169 § 57.]

RCW 46.29.580 Substitution of proof.

Applicable Cases

The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter.

[1963 c 169 § 58.]

RCW 46.29.590 Other proof required, when.

Applicable Cases

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration pending the filing of such other proof.

[1963 c 169 § 59.]

RCW 46.29.600 Duration of proof--When proof may be canceled or returned.

Applicable Cases

(1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction, forfeiture of bail, or finding that a traffic infraction has been committed which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

[1979 ex.s. c 136 § 66; 1963 c 169 § 60.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

VIOLATIONS

RCW 46.29.605 Suspension of registration, notice--Surrender of license plates--Penalties.

Applicable Cases

(1) Whenever the involvement in a motor vehicle accident in this state results in the

driving privilege of a person being suspended for failure to pay a judgment or deposit security, the department shall suspend the Washington registration of the motor vehicle if the person driving at the time of the accident was also the registered owner of the motor vehicle.

(2) A notice of suspension shall be mailed by first class mail to the owner's last known address of record in the department and shall be effective notwithstanding the owner's failure to receive the notice.

(3) Upon suspension of the registration of a motor vehicle, the registered owner shall surrender all vehicle license plates registered to the vehicle. The department shall destroy the license plates and, upon reinstatement of the registration, shall issue new vehicle license plates as provided in RCW 46.16.270.

(4) Failure to surrender license plates under subsection (3) of this section is a misdemeanor punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred fifty dollars.

(5) No vehicle license plates or certificate of ownership or registration for a motor vehicle may be issued and no vehicle license may be renewed during the time the registration of the motor vehicle is suspended.

(6) Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars.

[1981 c 309 § 6.]

RCW 46.29.610 Surrender of license--Penalty.

Applicable Cases

(1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return the license to the department.

(2) Any person willfully failing to return a license as required in subsection (1) of this section is guilty of a misdemeanor.

[1990 c 250 § 54; 1963 c 169 § 61.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.29.620 Forged proof--Penalty.

Applicable Cases

Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a gross misdemeanor.

[1963 c 169 § 62.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

MISCELLANEOUS

RCW 46.29.630 Self-insurers.

Applicable Cases

(1) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

[1963 c 169 § 63.]

RCW 46.29.640 Chapter not to prevent other process.

Applicable Cases

Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

[1963 c 169 § 64.]

RCW 46.29.900 Construction--1963 c 169.

Applicable Cases

RCW 46.29.010 through 46.29.640 shall be codified as a single chapter of the Revised Code of Washington. RCW 46.29.010 through 46.29.050 shall be captioned "ADMINISTRATION." RCW 46.29.060 through 46.29.240 shall be captioned "SECURITY FOLLOWING ACCIDENT." RCW 46.29.250 through 46.29.600 shall be captioned "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE." RCW 46.29.610 through 46.29.620 shall be captioned "VIOLATIONS OF THIS CHAPTER." RCW 46.29.630 through 46.29.640 shall be captioned "MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY." Such captions and subsection headings, as used in this chapter, do not constitute any part of the law.

[1963 c 169 § 67.]

RCW 46.29.910 Severability--1963 c 169.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1963 c 169 § 68.]

Notes:

Reviser's note: Chapter 169, Laws of 1963 also amended RCW 46.52.130 and 46.52.140.

RCW 46.29.920 Repeals and saving.

Applicable Cases

Sections 46.24.010 through 46.24.910 and sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910 and RCW 46.28.010 through 46.28.200 are each repealed.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder.

[1963 c 169 § 69.]

**Chapter 46.30 RCW
MANDATORY LIABILITY INSURANCE**

RCW

46.30.010	Legislative intent.
46.30.020	Liability insurance or other financial responsibility required--Violations--Exceptions.
46.30.030	Insurance identification card.
46.30.040	Providing false evidence of financial responsibility--Penalty.
46.30.900	Severability--1989 c 353.
46.30.901	Effective date--1989 c 353.

RCW 46.30.010 Legislative intent.

Applicable Cases

It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers it is the intent of the legislature to require that all persons driving vehicles registered in this state satisfy the financial responsibility requirements of this chapter. By enactment of this chapter it is not the intent of the legislature to modify, amend, or invalidate existing insurance contract terms, conditions, limitations, or exclusions or to preclude insurance companies from using similar terms, conditions, limitations, or exclusions in future contracts.

[1989 c 353 § 1.]

RCW 46.30.020 Liability insurance or other financial responsibility required--Violations--Exceptions.

Applicable Cases

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

[1991 sp.s. c 25 § 1; 1991 c 339 § 24; 1989 c 353 § 2.]

Notes:

Notice of liability insurance requirement: RCW 46.16.212.

RCW 46.30.030 Insurance identification card.

Applicable Cases

(1) Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policyholder with an identification card as specified by the department of licensing. At the policyholder's request, the insurer shall provide the policyholder a card for each vehicle covered under the policy.

(2) The department of licensing shall adopt rules specifying the type, style, and content of insurance identification cards to be used for proof of compliance with RCW 46.30.020, including the method for issuance of such identification cards by persons or organizations providing proof of compliance through self-insurance, certificate of deposit, or bond. In adopting such rules the department shall consider the guidelines for insurance identification cards developed by the insurance industry committee on motor vehicle administration.

[1989 c 353 § 3.]

RCW 46.30.040 Providing false evidence of financial responsibility--Penalty.

Applicable Cases

Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

[1991 sp.s. c 25 § 2; 1989 c 353 § 4.]

RCW 46.30.900 Severability--1989 c 353.

Applicable Cases

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

[1989 c 353 § 12.]

RCW 46.30.901 Effective date--1989 c 353.

Applicable Cases

This act shall take effect January 1, 1990. The director of the department of licensing may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

[1989 c 353 § 13.]

**Chapter 46.32 RCW
VEHICLE INSPECTION**

RCW

46.32.005	Definitions.
46.32.010	Buses and drivers--Inspection authorized--Stations--Duties of state patrol--Penalties.
46.32.020	Rules--Supplies--Assistants.
46.32.040	Frequency of inspection--Inspection free.
46.32.050	Prohibited practices--Penalty.
46.32.060	Moving defective vehicle unlawful--Impounding authorized.
46.32.070	Inspection of damaged vehicle.
46.32.080	Commercial vehicle safety enforcement.
46.32.090	Fees.
46.32.100	Violations--Penalties.
46.32.110	Controlled substances, alcohol.

RCW 46.32.005 Definitions.

Applicable Cases

For the purpose of this chapter "commercial motor vehicle" means a self-propelled or towed vehicle designed or used to transport passengers or property, if the vehicle:

- (1) Has a gross vehicle weight rating or gross combination weight rating of ten thousand one or more pounds;
- (2) Is designed to transport sixteen or more passengers, including the driver; or
- (3) Is transporting hazardous materials and is required to be identified by a placard in accordance with 49 C.F.R. Sec. 172.500-.560 (1991).

A recreational vehicle used for noncommercial purposes is not considered a commercial motor vehicle. "Recreational vehicle" includes a vehicle towing a horse trailer for a noncommercial purpose.

[1993 c 403 § 1.]

RCW 46.32.010 Buses and drivers--Inspection authorized--Stations--Duties of state patrol--Penalties.

Applicable Cases

(1) The chief of the Washington state patrol may operate, maintain, or designate, throughout the state of Washington, stations for the inspection of school buses and private carrier buses, with respect to vehicle equipment, drivers' qualifications, and hours of service and to set reasonable times when inspection of vehicles shall be performed.

(2) The state patrol may inspect a commercial motor vehicle while the vehicle is operating on the public highways of this state with respect to vehicle equipment, hours of service, and driver qualifications.

(3) It is unlawful for any vehicle required to be inspected to be operated over the public highways of this state unless and until it has been approved periodically as to equipment.

(4) Inspections shall be performed by a responsible employee of the chief of the Washington state patrol, who shall be duly authorized and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be

operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until it has been placed in a condition satisfactory to pass a subsequent equipment inspection. The police officer in charge of such vehicle equipment inspection shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

(5) In the event any insignia, sticker, or other marker is adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, it shall be displayed as required by the rules of the chief of the Washington state patrol, and it is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

(6) It is a traffic infraction for any person to refuse to have his motor vehicle examined as required by the chief of the Washington state patrol, or, after having had it examined, to refuse to place an insignia, sticker, or other marker, if issued, upon the vehicle, or fraudulently to obtain any such insignia, sticker, or other marker, or to refuse to place his motor vehicle in proper condition after having had it examined, or in any manner, to fail to conform to the provisions of this chapter.

(7) It is a traffic infraction for any person to perform false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle.

[1993 c 403 § 2; 1986 c 123 § 1; 1979 ex.s. c 136 § 67; 1979 c 158 § 156; 1967 c 32 § 48; 1961 c 12 § 46.32.010. Prior: 1947 c 267 § 1; 1945 c 44 § 1; 1937 c 189 § 7; Rem. Supp. 1947 § 6360-7.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.32.020 Rules--Supplies--Assistants.

Applicable Cases

The chief of the Washington state patrol may adopt reasonable rules regarding types of vehicles to be inspected, inspection criteria, times for the inspection of vehicle equipment, drivers' qualifications, hours of service, and all other matters with respect to the conduct of vehicle equipment and driver inspections.

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery, and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation.

[1993 c 403 § 3; 1986 c 123 § 2; 1961 c 12 § 46.32.020. Prior: 1945 c 44 § 2; 1937 c 189 § 8; Rem. Supp. 1945 § 6360-8.]

RCW 46.32.040 Frequency of inspection--Inspection free.

Applicable Cases

Vehicle equipment inspection shall be at such intervals as required by the chief of the Washington state patrol and shall be made without charge.

[1986 c 123 § 3; 1961 c 12 § 46.32.040. Prior: 1945 c 44 § 4; 1937 c 189 § 10; Rem. Supp. 1945 § 6360-10.]

RCW 46.32.050 Prohibited practices--Penalty.

Applicable Cases

It shall be unlawful for any person employed by the chief of the Washington state patrol at any vehicle equipment inspection station, to order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Violation of the provisions of this section is a traffic infraction.

[1986 c 123 § 4; 1979 ex.s. c 136 § 68; 1961 c 12 § 46.32.050. Prior: 1945 c 44 § 5; 1937 c 189 § 11; Rem. Supp. 1945 § 6360-11.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.32.060 Moving defective vehicle unlawful--Impounding authorized.

Applicable Cases

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state patrol.

[1987 c 330 § 705; 1986 c 123 § 5; 1961 c 12 § 46.32.060. Prior: 1937 c 189 § 12; RRS § 6360-12.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Moving unsafe or noncomplying vehicle: RCW 46.37.010.

RCW 46.32.070 Inspection of damaged vehicle.

Applicable Cases

If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle has become unsafe for operation upon the public highways of this state, it is unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator presents such vehicle for inspection of equipment within twenty-four hours after its return to service.

[1986 c 123 § 6; 1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360-13.]

RCW 46.32.080 Commercial vehicle safety enforcement.

Applicable Cases

(1) The Washington state patrol is responsible for enforcement of safety requirements for commercial motor vehicles, including but not limited to terminal safety audits. Those carriers that have terminal operations in this state are subject to the patrol's terminal safety audits.

(2) This section does not apply to:

(a) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard, or dairy products, including livestock and plant or animal wastes, from point of production to market or disposal; or supplies or commodities to be used on the farm, orchard, or dairy;

(b) Commercial motor carriers subject to economic regulation under chapters 81.68 (auto transportation companies), 81.70 (passenger charter carriers), 81.77 (solid waste collection companies), 81.80 (motor freight carriers), and *81.90 (limousine charter carriers) RCW; and

(c) Vehicles exempted from registration by RCW 46.16.020.

[1995 c 272 § 1.]

Notes:

***Reviser's note:** Chapter 81.90 RCW was repealed by 1996 c 87 § 23.

Transfer of powers, duties, and functions: "(1) All powers, duties, and functions of the utilities and transportation commission pertaining to safety inspections of commercial vehicles, including but not limited to terminal safety audits, except for those carriers subject to the economic regulation of the commission, are transferred to the Washington state patrol.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington state patrol. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the Washington state patrol. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington state patrol.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on January 1, 1996, be transferred and credited to the Washington state patrol.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the utilities and transportation commission engaged in performing the powers,

functions, and duties transferred are transferred to the jurisdiction of the Washington state patrol. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state patrol to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. These employees will only be transferred upon successful completion of the Washington state patrol background investigation.

(4) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington state patrol. All existing contracts and obligations remain in full force and shall be performed by the Washington state patrol.

(5) The transfer of the powers, duties, functions, and personnel of the utilities and transportation commission does not affect the validity of any act performed before January 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section alters an existing collective bargaining unit or the provisions of an existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law." [1995 c 272 § 4.]

Effective dates--1995 c 272: See note following RCW 46.32.090.

RCW 46.32.090 Fees.

Applicable Cases

The department shall collect a fee of ten dollars, in addition to all other fees and taxes, for each motor vehicle base plated in the state of Washington that is subject to highway inspections and terminal audits under RCW 46.32.080, at the time of registration and renewal of registration under chapter 46.16 or 46.87 RCW, or the International Registration Plan if based [base] plated in a foreign jurisdiction. The ten-dollar fee must be apportioned for those vehicles operating interstate and registered under the International Registration Plan. This fee does not apply to nonmotor-powered vehicles, including trailers. Refunds will not be provided for fees paid under this section when the vehicle is no longer subject to RCW 46.32.080. The department may deduct an amount equal to the cost of administering the program. All remaining fees shall be deposited with the state treasurer and credited to the state patrol highway account of the motor vehicle fund.

[1996 c 86 § 1; 1995 c 272 § 2.]

Notes:

Effective date--1996 c 86: "Section 1 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1997." [1996 c 86 § 2.]

Effective dates--1995 c 272: "Section 2 of this act becomes effective with motor vehicle registration fees due or to become due January 1, 1996. Sections 1 and 3 through 6 of this act take effect January 1, 1996." [1995 c 272 § 7.]

RCW 46.32.100 Violations--Penalties.

Applicable Cases

In addition to all other penalties provided by law, a commercial motor vehicle that is subject to terminal safety audits under this chapter and an officer, agent, or employee of a company operating a commercial motor vehicle who violates or who procures, aids, or abets in

the violation of this title or any order or rule of the state patrol is liable for a penalty of one hundred dollars for each violation, except for each violation of 49 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of service before the out of service defects have been satisfactorily repaired, for which the person is liable for a penalty of five hundred dollars. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the patrol describing the violation and advising the person that the penalty is due. The patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue a prosecution to recover the penalty upon such terms it deems proper and may ascertain the facts upon all such applications in such manner and under such rules as it deems proper. If the amount of the penalty is not paid to the patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which the violator does business, to recover the penalty. In all such actions the procedure and rules of evidence are the same as an ordinary civil action except as otherwise provided in this chapter. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund.

[1998 c 172 § 1; 1995 c 272 § 3.]

Notes:

Effective dates--1995 c 272: See note following RCW 46.32.090.

RCW 46.32.110 Controlled substances, alcohol.

Applicable Cases

A person or employer operating as a motor carrier shall comply with the requirements of the United States department of transportation federal motor carrier safety regulations as contained in Title 49 C.F.R. Part 382, controlled substances and alcohol use and testing. A person or employer who begins or conducts commercial motor vehicle operations without having a controlled substance and alcohol testing program that is in compliance with the requirements of Title 49 C.F.R. Part 382 is subject to a penalty, under the process set forth in RCW 46.32.100, of up to one thousand five hundred dollars and up to an additional five hundred dollars for each motor vehicle driver employed by the person or employer who is not in compliance with the motor vehicle driver testing requirements. A person or employer having actual knowledge that a driver has tested positive for controlled substances or alcohol who allows a positively tested person to continue to perform a safety-sensitive function is subject to a penalty, under the process set forth in RCW 46.32.100, of one thousand five hundred dollars.

[1999 c 351 § 5.]

Chapter 46.37 RCW
VEHICLE LIGHTING AND OTHER EQUIPMENT

- 46.37.005 State patrol--Additional powers and duties.
- 46.37.010 Scope and effect of regulations--General penalty.
- 46.37.020 When lighted lamps and signaling devices are required.
- 46.37.030 Visibility distance and mounted height of lamps.
- 46.37.040 Head lamps on motor vehicles.
- 46.37.050 Tail lamps.
- 46.37.060 Reflectors.
- 46.37.070 Stop lamps and turn signals required.
- 46.37.080 Application of succeeding sections.
- 46.37.090 Additional equipment required on certain vehicles.
- 46.37.100 Color of clearance lamps, side marker lamps, back-up lamps, and reflectors.
- 46.37.110 Mounting of reflectors, clearance lamps, identification lamps, and side marker lamps.
- 46.37.120 Visibility of reflectors, clearance lamps, identification lamps, and side marker lamps.
- 46.37.130 Obstructed lights not required.
- 46.37.140 Lamps, reflectors, and flags on projecting load.
- 46.37.150 Lamps on vehicles--Parked or stopped vehicles, lighting requirements.
- 46.37.160 Hazard warning lights and reflectors on farm equipment--Slow-moving vehicle emblem.
- 46.37.170 Lamps and reflectors on other vehicles and equipment--Slow-moving vehicle emblem on animal-drawn vehicles.

- 46.37.180 Spot lamps and auxiliary lamps.
- 46.37.184 Red flashing lights on fire department vehicles.
- 46.37.185 Green light on firemen's private cars.
- 46.37.186 Fire department sign or plate on private car.
- 46.37.187 Green light, sign or plate--Identification card required.
- 46.37.188 Penalty for violation of RCW 46.37.184 through 46.37.188.
- 46.37.190 Warning devices on vehicles--Other drivers yield and stop.
- 46.37.191 Implementing rules.
- 46.37.193 Signs on buses.
- 46.37.194 Authorized emergency vehicles--Rules, tests, approval by state patrol.
- 46.37.195 Sale of emergency vehicle lighting equipment restricted.
- 46.37.196 Red lights on emergency tow trucks.
- 46.37.200 Stop lamps and electric turn signals.
- 46.37.210 Additional lighting equipment.
- 46.37.215 Hazard warning lamps.
- 46.37.220 Multiple-beam road-lighting equipment.
- 46.37.230 Use of multiple-beam road-lighting equipment.
- 46.37.240 Single-beam road-lighting equipment.
- 46.37.260 Alternate road lighting equipment.
- 46.37.270 Number of lamps required--Number of additional lamps permitted.
- 46.37.280 Special restrictions on lamps.
- 46.37.290 Special lighting equipment on school buses and private carrier buses.
- 46.37.300 Standards for lights on snow-removal or highway maintenance and service equipment.
- 46.37.310 Selling or using lamps or equipment.
- 46.37.320 Authority of state patrol regarding lighting devices or other safety equipment.
- 46.37.330 Revocation of certificate of approval on devices--Reapproval, conditions.

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- 46.37.340 Braking equipment required.
- 46.37.351 Performance ability of brakes.
- 46.37.360 Maintenance of brakes--Brake system failure indicator.
- 46.37.365 Hydraulic brake fluid--Defined--Standards and specifications.
- 46.37.369 Wheels and front suspension.
- 46.37.375 Steering and suspension systems.
- 46.37.380 Horns, warning devices, and theft alarms.
- 46.37.390 Mufflers, prevention of noise--Smoke and air contaminants--Standards--Definitions.
- 46.37.400 Mirrors, backup devices.
- 46.37.410 Windshields required, exception--Must be unobstructed and equipped with wipers.
- 46.37.420 Tires--Restrictions.
- 46.37.4215 Lightweight studs--Certification by sellers.
- 46.37.4216 Lightweight studs--Sale of tires containing.
- 46.37.423 Pneumatic passenger car tires--Standards--Exception for off-highway use--Penalty.
- 46.37.424 Regrooved tires--Standards--Exception for off-highway use--Penalty.
- 46.37.425 Tires--Unsafe--State patrol's authority--Penalty.
- 46.37.430 Safety glazing--Sunscreening or coloring.
- 46.37.435 Sunscreening, unlawful installation, penalty.
- 46.37.440 Flares or other warning devices required on certain vehicles.
- 46.37.450 Disabled vehicle--Display of warning devices.
- 46.37.465 Fuel system.
- 46.37.467 Alternative fuel source--Placard required.
- 46.37.470 Air-conditioning equipment.
- 46.37.480 Television viewers--Earphones.
- 46.37.490 Safety load chains and devices required.
- 46.37.495 Safety chains for towing.
- 46.37.500 Fenders or splash aprons.
- 46.37.505 Child passenger restraint systems.
- 46.37.510 Seat belts and shoulder harnesses.
- 46.37.513 Bumpers.
- 46.37.517 Body and body hardware.
- 46.37.518 Street rods and kit vehicles.
- 46.37.520 Beach vehicles with soft tires--"Dune buggies"--Inspection and approval required--Fee.
- 46.37.522 Motorcycles and motor-driven cycles--When head lamps and tail lamps to be lighted.
- 46.37.523 Motorcycles and motor-driven cycles--Head lamps.
- 46.37.524 Motor-driven cycles--Head lamps.
- 46.37.525 Motorcycles and motor-driven cycles--Tail lamps, reflectors, and stop lamps.
- 46.37.527 Motorcycles and motor-driven cycles--Brake requirements.
- 46.37.528 Motorcycles and motor-driven cycles--Performance ability of brakes.
- 46.37.529 Motor-driven cycles--Braking system inspection.
- 46.37.530 Motorcycles, motor-driven cycles, mopeds, electric-assisted bicycles--Helmets, other equipment--Children--Rules.
- 46.37.535 Motorcycles, motor-driven cycles, or mopeds--Helmet requirements when rented.
- 46.37.537 Motorcycles--Exhaust system.
- 46.37.539 Motorcycles and motor-driven cycles--Additional requirements and limitations.
- 46.37.540 Odometers--Disconnecting, resetting, or turning back prohibited.
- 46.37.550 Odometers--Selling motor vehicle knowing odometer turned back unlawful.
- 46.37.560 Odometers--Selling motor vehicle knowing odometer replaced unlawful.
- 46.37.570 Odometers--Selling, advertising, using, or installing device registering false mileage.

46.37.590	Odometers--Purchaser plaintiff to recover costs and attorney's fee, when.
46.37.600	Liability of operator, owner, lessee for violations.
46.37.610	Wheelchair conveyance standards.
46.37.620	School buses--Crossing arms.
46.37.630	Private school buses.

Notes:

Emission control program: Chapter 70.120 RCW.

Lowering vehicle below legal clearance: RCW 46.61.680.

Moving defective vehicle: RCW 46.32.060.

RCW 46.37.005 State patrol--Additional powers and duties.

Applicable Cases

In addition to those powers and duties elsewhere granted, the chief of the Washington state patrol shall have the power and the duty to adopt, apply, and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight, and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The chief of the Washington state patrol is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

[1987 c 330 § 706; 1985 c 165 § 1; 1982 c 106 § 1; 1967 ex.s. c 145 § 56; 1967 c 32 § 49; 1961 c 12 § 46.37.005. Prior: 1943 c 133 § 1; 1937 c 189 § 6; Rem. Supp. 1943 § 6360-6; 1927 c 309 § 14, part; RRS § 6362-14, part. Formerly RCW 46.36.010.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

Towing operators, appointment of: RCW 46.55.115.

RCW 46.37.010 Scope and effect of regulations--General penalty.

Applicable Cases

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington

state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(8) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(9) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(10) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

[1997 c 241 § 14; 1989 c 178 § 22; 1987 c 330 § 707; 1979 ex.s. c 136 § 69; 1977 ex.s. c 355 § 1; 1963 c 154 § 1; 1961 c 12 § 46.37.010. Prior: 1955 c 269 § 1; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 355: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 355 § 57.]

Effective date--1963 c 154: "This act shall take effect on January 1, 1964." [1963 c 154 § 32.]

Moving defective vehicle: RCW 46.32.060.

RCW 46.37.020 When lighted lamps and signaling devices are required.

Applicable Cases

Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of one thousand feet ahead shall display lighted head lights, other lights, and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and such stop lights, turn signals, and other signaling devices shall be lighted as prescribed for the use of such devices.

[1977 ex.s. c 355 § 2; 1974 ex.s. c 124 § 2; 1963 c 154 § 2; 1961 c 12 § 46.37.020. Prior: 1955 c 269 § 2; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

Local twenty-four hour headlight policy: RCW 47.04.180.

Motorcycles and motor-driven cycles--When headlamps and tail lamps to be lighted: RCW 46.37.522.

RCW 46.37.030 Visibility distance and mounted height of lamps.

Applicable Cases

(1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(3) No additional lamp, reflective device, or other motor vehicle equipment shall be added which impairs the effectiveness of this standard.

[1977 ex.s. c 355 § 3; 1961 c 12 § 46.37.030. Prior: 1955 c 269 § 3; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.040 Head lamps on motor vehicles.

Applicable Cases

(1) Every motor vehicle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every head lamp upon every motor vehicle shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

[1977 ex.s. c 355 § 4; 1961 c 12 § 46.37.040. Prior: 1955 c 269 § 4; prior: 1937 c 189 § 15; RRS § 6360-15; RCW 46.40.020; 1933 c 156 § 1, part; 1929 c 178 § 3, part; 1927 c 309 §§ 20, part, 24; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS §§ 6362-20, part, 6362-24.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.050 Tail lamps.

Applicable Cases

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

[1977 ex.s. c 355 § 5; 1963 c 154 § 3; 1961 c 12 § 46.37.050. Prior: 1955 c 269 § 5; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part; 1929 c 178 § 7; 1927 c 309 § 27; RRS § 6362-27; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.060 Reflectors.

Applicable Cases

(1) Every motor vehicle, trailer, semitrailer, and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section: PROVIDED, HOWEVER, That vehicles of the types mentioned in RCW 46.37.090

shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

(2) Every such reflector shall be mounted on the vehicle at a height not less than fifteen inches nor more than seventy-two inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within six hundred feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be visible at night from all distances within three hundred and fifty feet to one hundred feet when directly in front of lawful upper beams of head lamps.

[1977 ex.s. c 355 § 6; 1963 c 154 § 4; 1961 c 12 § 46.37.060. Prior: 1955 c 269 § 6; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.070 Stop lamps and turn signals required.

Applicable Cases

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that passenger cars, trailers, semitrailers, pole trailers, and trucks less than eighty inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps.

[1977 ex.s. c 355 § 7; 1963 c 154 § 5; 1961 c 12 § 46.37.070. Prior: 1959 c 319 § 32; 1955 c 269 § 7; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.080 Application of succeeding sections.

Applicable Cases

Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120, and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020. For purposes of

the sections enumerated above, a camper, when mounted upon a motor vehicle, shall be considered part of the permanent structure of that motor vehicle.

[1977 ex.s. c 355 § 8; 1963 c 154 § 6; 1961 c 12 § 46.37.080. Prior: 1955 c 269 § 8; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.090 Additional equipment required on certain vehicles.

Applicable Cases

In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060, and 46.37.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses, trucks, motor homes, and motor vehicles with mounted campers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side;

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section;

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear: PROVIDED, That a mobile home as defined by RCW 46.04.302 need not be equipped with two side marker lamps or two side reflectors as required by subsection (2) (c) and (d) of this section while operated under the terms of a special permit authorized by RCW 46.44.090.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) [(7)] of this section.

(4) Trailers, semitrailers, and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle: PROVIDED, That a mobile home as defined by RCW

46.04.302 need not be equipped with such side marker lamp or reflector while operated under the terms of a special permit authorized by RCW 46.44.090.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load;

(b) One amber reflector at or near the front of the load;

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Boat trailers eighty inches or more in overall width:

(a) One on each side, at or near the midpoint, one clearance lamp performing the function of both a front and rear clearance lamp;

(b) On the rear, after June 1, 1978, three identification lamps meeting the specifications of subsection (7) of this section;

(c) One on each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(7) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: PROVIDED, HOWEVER, That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

[1977 ex.s. c 355 § 9; 1963 c 154 § 7; 1961 c 12 § 46.37.090. Prior: 1955 c 269 § 9; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.100 Color of clearance lamps, side marker lamps, back-up lamps, and reflectors.

Applicable Cases

(1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber, or yellow, and except that on any vehicle forty or more years old, the taillight may also contain a blue or purple insert of not more than one inch in diameter, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

[1992 c 46 § 1; 1961 c 12 § 46.37.100. Prior: 1955 c 269 § 10; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

RCW 46.37.110 Mounting of reflectors, clearance lamps, identification lamps, and side marker lamps.

Applicable Cases

(1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate the extreme height and width of the vehicle. When rear identification lamps are required and are mounted as high as is practicable, rear clearance lamps may be mounted at optional height, and when the mounting of front clearance lamps results in such lamps failing to indicate the extreme width of the trailer, such lamps may be mounted at optional height but must indicate, as near as practicable, the extreme width of the trailer. Clearance lamps on truck tractors shall be located so as to indicate the extreme width of the truck tractor cab. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both: PROVIDED, That no rear clearance lamp may be combined in any shell or housing with any tail lamp or identification lamp.

[1977 ex.s. c 355 § 10; 1961 c 12 § 46.37.110. Prior: 1955 c 269 § 11; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.120 Visibility of reflectors, clearance lamps, identification lamps, and side marker lamps.

Applicable Cases

(1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful lower beams of head lamps, except that the visibility for reflectors on vehicles manufactured or assembled prior to January 1, 1970, shall be measured in front of the lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the

required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted.

[1977 ex.s. c 355 § 11; 1963 c 154 § 8; 1961 c 12 § 46.37.120. Prior: 1955 c 269 § 12; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.130 Obstructed lights not required.

Applicable Cases

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

[1961 c 12 § 46.37.130. Prior: 1955 c 269 § 13.]

RCW 46.37.140 Lamps, reflectors, and flags on projecting load.

Applicable Cases

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors visible at night from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful lower beams of headlamps, and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020.

[1977 ex.s. c 355 § 12; 1963 c 154 § 9; 1961 c 12 § 46.37.140. Prior: 1955 c 269 § 14; prior: 1937 c 189 § 18;

RRS § 6360-18; RCW 46.40.050; 1929 c 178 § 11, part; 1927 c 309 § 32, part, RRS § 6362-32, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.150 Lamps on vehicles--Parked or stopped vehicles, lighting requirements.

Applicable Cases

(1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

[1977 ex.s. c 355 § 13; 1963 c 154 § 10; 1961 c 12 § 46.37.150. Prior: 1955 c 269 § 15; prior: 1937 c 189 § 19; RRS § 6360-19; RCW 46.40.060; 1933 c 156 § 8; 1929 c 178 § 10; 1927 c 309 § 31; RRS § 6362-31.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.160 Hazard warning lights and reflectors on farm equipment--Slow-moving vehicle emblem.

Applicable Cases

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the Washington state patrol.

[1987 c 330 § 708; 1977 ex.s. c 355 § 14; 1969 ex.s. c 281 § 22; 1963 c 154 § 11; 1961 c 12 § 46.37.160. Prior: 1955 c 269 § 16.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.170 Lamps and reflectors on other vehicles and equipment--Slow-moving vehicle emblem on animal-drawn vehicles.

Applicable Cases

(1) Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the lawful lower beams of head lamps.

(2) After June 1, 1978, every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem complying with RCW 46.37.160(7).

[1977 ex.s. c 355 § 15; 1963 c 154 § 12; 1961 c 12 § 46.37.170. Prior: 1955 c 269 § 17; prior: 1937 c 189 § 21; RRS § 6360-21; RCW 46.40.080; 1927 c 309 § 34; 1921 c 96 § 22, part; 1917 c 40 § 1; RRS § 6362-34.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.180 Spot lamps and auxiliary lamps.

Applicable Cases

(1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two

auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combinations of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamps.

[1963 c 154 § 13; 1961 c 12 § 46.37.180. Prior: 1955 c 269 § 18; prior: 1949 c 157 § 1; Rem. Supp. 1949 § 6360-22a; RCW 46.40.110, 46.40.120.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.184 Red flashing lights on fire department vehicles.

Applicable Cases

All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status.

[1961 c 12 § 46.37.184. Prior: 1953 c 161 § 1. Formerly RCW 46.40.220.]

RCW 46.37.185 Green light on firemen's private cars.

Applicable Cases

Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

[1987 c 330 § 709; 1971 ex.s. c 92 § 3; 1961 c 12 § 46.37.185. Prior: 1953 c 161 § 2. Formerly RCW 46.40.230.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.186 Fire department sign or plate on private car.

Applicable Cases

(1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

(2) Any sign or plate indicating fire department connection on a private car of any

member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs.

[1961 c 12 § 46.37.186. Prior: 1953 c 161 § 3. Formerly RCW 46.40.240.]

RCW 46.37.187 Green light, sign or plate--Identification card required.

Applicable Cases

Any individual displaying a green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

[1971 ex.s. c 92 § 2; 1961 c 12 § 46.37.187. Prior: 1953 c 161 § 4. Formerly RCW 46.40.250.]

RCW 46.37.188 Penalty for violation of RCW 46.37.184 through 46.37.188.

Applicable Cases

Every violation of RCW 46.37.184, 46.37.185, 46.37.186, or 46.37.187 is a traffic infraction.

[1979 ex.s. c 136 § 70; 1961 c 12 § 46.37.188. Prior: 1953 c 161 § 5. Formerly RCW 46.40.260.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.37.190 Warning devices on vehicles--Other drivers yield and stop.

Applicable Cases

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other

than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the state patrol, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(a) An "optical strobe light device" used by emergency vehicles means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the emergency vehicle in which the strobe light device is used to obtain the right of way at intersections.

(b) An "optical strobe light device" used by department of transportation, city, or county maintenance vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the department of transportation maintenance vehicle in which the strobe light device is used to perform maintenance tests.

(c) An "optical strobe light device" used by public transit vehicles means a strobe light device that emits an optical signal at a specific frequency to a traffic control light enabling the public transit vehicle in which the strobe light device is used to accelerate the cycle of the traffic control light. For the purposes of this section, "public transit vehicle" means vehicles, owned by a governmental entity, with a seating capacity for twenty-five or more persons and used to provide mass transportation. Public transit vehicles operating an optical strobe light will have second degree priority to emergency vehicles when simultaneously approaching the same traffic control light.

(5) The use of the signal equipment described herein, except the optical strobe light devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

[1993 c 401 § 2; 1987 c 330 § 710; 1985 c 331 § 1; 1982 c 101 § 1; 1971 ex.s. c 92 § 1; 1970 ex.s. c 100 § 5; 1965 ex.s. c 155 § 53; 1963 c 154 § 14; 1961 c 12 § 46.37.190. Prior: 1957 c 66 § 1; 1955 c 269 § 19.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.191 Implementing rules.

Applicable Cases

The state patrol shall adopt rules to implement RCW 46.37.190.

[1993 c 401 § 3.]

RCW 46.37.193 Signs on buses.

Applicable Cases

Every school bus and private carrier bus, in addition to any other equipment or distinctive markings required by this chapter, shall bear upon the front and rear thereof, above the windows thereof, plainly visible signs containing only the words "school bus" on a school bus and only the

words "private carrier bus" on a private carrier bus in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190. School districts may affix signs designed according to RCW 46.61.380 informing motorists of the monetary penalty for failure to stop for a school bus when the visual signals are activated.

However, a private carrier bus that regularly transports children to and from a private school or in connection with school activities may display the words "school bus" in a manner provided in this section and need not comply with the requirements set forth in the most recent edition of "Specifications for School Buses" published by the superintendent of public instruction.

[1997 c 80 § 3; 1995 c 141 § 2; 1990 c 241 § 10.]

Notes:

School bus markings: RCW 46.61.380.

RCW 46.37.194 Authorized emergency vehicles--Rules, tests, approval by state patrol.

Applicable Cases

The state patrol may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

[1987 c 330 § 711; 1961 c 12 § 46.37.194. Prior: 1957 c 66 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.195 Sale of emergency vehicle lighting equipment restricted.

Applicable Cases

A public agency shall not sell or give emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment or other equipment on the public streets and highways.

[1990 c 94 § 2.]

Notes:

Legislative finding--1990 c 94: "The legislature declares that public agencies should not engage in activity that leads or abets a person to engage in conduct that is not lawful. The legislature finds that some public agencies sell emergency vehicle lighting equipment at public auctions to persons who may not lawfully use the equipment. The legislature further finds that this practice misleads well-intentioned citizens and also benefits malevolent individuals." [1990 c 94 § 1.]

RCW 46.37.196 Red lights on emergency tow trucks.

Applicable Cases

All emergency tow trucks shall be identified by an intermittent or revolving red light capable of 360° visibility at a distance of five hundred feet under normal atmospheric conditions. This intermittent or revolving red light shall be used only at the scene of an emergency or

accident, and it will be unlawful to use such light while traveling to or from an emergency or accident, or for any other purposes.

[1977 ex.s. c 355 § 16.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.200 Stop lamps and electric turn signals.

Applicable Cases

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may emit white or amber light, or any shade of light between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps shall be visible from a distance of not less than five hundred feet to the front and rear in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

[1977 ex.s. c 355 § 17; 1963 c 154 § 15; 1961 c 12 § 46.37.200. Prior: 1955 c 269 § 20; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.210 Additional lighting equipment.

Applicable Cases

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted

when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(7).

(6)(a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

- (i) One green light to be activated when the accelerator of the motor vehicle is depressed;
- (ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the state patrol as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

[1987 c 330 § 712; 1977 ex.s. c 355 § 18; 1975 1st ex.s. c 242 § 1; 1963 c 154 § 16; 1961 c 12 § 46.37.210. Prior: 1955 c 269 § 21; prior: 1937 c 189 § 24; RRS § 6360-24; RCW 46.40.100.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.215 Hazard warning lamps.

Applicable Cases

(1) Any vehicle may be equipped with lamps for the purpose of warning other operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing.

(2) After June 1, 1978, every motor home, bus, truck, truck tractor, trailer, semitrailer, or pole trailer eighty inches or more in overall width or thirty feet or more in overall length shall be equipped with lamps meeting the requirements of this section.

(3) Vehicular hazard warning signal lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing amber light: PROVIDED, That on any vehicle manufactured prior to January 1, 1969, the lamps showing to the front may display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet in normal sunlight.

[1977 ex.s. c 355 § 19.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.220 Multiple-beam road-lighting equipment.

Applicable Cases

Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of four hundred fifty feet ahead for all conditions of loading;

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred fifty feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver;

(3) Every new motor vehicle registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

[1977 ex.s. c 355 § 20; 1961 c 12 § 46.37.220. Prior: 1955 c 269 § 22; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.230 Use of multiple-beam road-lighting equipment.

Applicable Cases

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1).

[1963 c 154 § 17; 1961 c 12 § 46.37.230. Prior: 1955 c 269 § 23; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.240 Single-beam road-lighting equipment.

Applicable Cases

Head lamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on all other motor vehicles manufactured and sold prior to one year after March 18, 1955, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead;

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

[1977 ex.s. c 355 § 21; 1963 c 154 § 18; 1961 c 12 § 46.37.240. Prior: 1955 c 269 § 24; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.260 Alternate road lighting equipment.

Applicable Cases

Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects one hundred feet ahead in lieu of lamps required in RCW 46.37.220 or 46.37.240: PROVIDED, HOWEVER, That at no time shall it be operated at a speed in excess of twenty miles per hour.

[1977 ex.s. c 355 § 22; 1961 c 12 § 46.37.260. Prior: 1955 c 269 § 26; prior: 1937 c 189 § 27; RRS § 6360-27; RCW 46.40.150.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.270 Number of lamps required--Number of additional lamps permitted.

Applicable Cases

(1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of two of any such additional lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

[1977 ex.s. c 355 § 23; 1961 c 12 § 46.37.270. Prior: 1955 c 269 § 27; prior: 1937 c 189 § 28; RRS § 6360-28; RCW 46.40.160; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.280 Special restrictions on lamps.

Applicable Cases

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from

directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, warning lamps authorized by the state patrol, and light-emitting diode flashing taillights on bicycles.

[1998 c 165 § 16; 1987 c 330 § 713; 1977 ex.s. c 355 § 24; 1963 c 154 § 19; 1961 c 12 § 46.37.280. Prior: 1955 c 269 § 28; prior: 1949 c 157 § 2; 1947 c 267 § 6; 1947 c 200 § 2; 1937 c 189 § 29; Rem. Supp. 1949 § 6360-29; RCW 46.40.170; 1927 c 309 § 33; RRS § 6362-33.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.290 Special lighting equipment on school buses and private carrier buses.

Applicable Cases

The chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

[1987 c 330 § 714; 1977 c 45 § 1; 1970 ex.s. c 100 § 6; 1961 c 12 § 46.37.290. Prior: 1955 c 269 § 29; prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

School buses--Crossing arms: RCW 46.37.620.

RCW 46.37.300 Standards for lights on snow-removal or highway maintenance and service equipment.

Applicable Cases

(1) The state patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

[1987 c 330 § 715; 1963 c 154 § 20; 1961 c 12 § 46.37.300. Prior: 1955 c 269 § 30.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.310 Selling or using lamps or equipment.

Applicable Cases

(1) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required under this chapter, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state patrol and conforming to rules adopted by it.

(2) No person may have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section conforming to rules adopted by the state patrol unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person may use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless the lamps are mounted, adjusted, and aimed in accordance with instructions of the state patrol.

[1987 c 330 § 716; 1986 c 113 § 1; 1961 c 12 § 46.37.310. Prior: 1955 c 269 § 31; prior: 1937 c 189 § 30; RRS § 6360-30; RCW 46.40.180; 1929 c 178 § 12; 1927 c 309 § 35; RRS § 6362-35.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.320 Authority of state patrol regarding lighting devices or other safety equipment.

Applicable Cases

(1) The chief of the state patrol is hereby authorized to adopt and enforce rules establishing standards and specifications governing the performance of lighting devices and their installation, adjustment, and aiming, when in use on motor vehicles, and other safety equipment, components, or assemblies of a type for which regulation is required in this chapter or in rules adopted by the state patrol. Such rules shall correlate with and, so far as practicable, conform to federal motor vehicle safety standards adopted pursuant to the national traffic and motor vehicle safety act of 1966 (15 U.S.C. Sec. 1381 et seq.) covering the same aspect of performance, or in the absence of such federal standards, to the then current standards and specifications of the society of automotive engineers applicable to such equipment: PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement concerning motor vehicle equipment and parts done at Geneva on March 20, 1958, or as amended and adopted by the Canadian standards association (CSA standard D106.2), as amended, shall be lawful in this state.

(2) Every manufacturer who sells or offers for sale lighting devices or other safety equipment subject to requirements established by the state patrol shall, if the lighting device or safety equipment is not in conformance with applicable federal motor vehicle safety standards, provide for submission of such lighting device or safety equipment to any recognized organization or agency such as, but not limited to, the American national standards institute, the society of automotive engineers, or the American association of motor vehicle administrators, as the agent of the state patrol. Issuance of a certificate of compliance for any lighting device or item of safety equipment by that agent is deemed to comply with the standards set forth by the state patrol. Such certificate shall be issued by the agent of the state before sale of the product within the state.

(3) The state patrol may at any time request from the manufacturer a copy of the test data showing proof of compliance of any device with the requirements established by the state patrol and additional evidence that due care was exercised in maintaining compliance during production. If the manufacturer fails to provide such proof of compliance within sixty days of notice from the state patrol, the state patrol may prohibit the sale of the device in this state until acceptable proof of compliance is received by the state patrol.

(4) The state patrol or its agent may purchase any lighting device or other safety equipment, component, or assembly subject to this chapter or rules adopted by the state patrol under this chapter, for purposes of testing or retesting the equipment as to its compliance with applicable standards or specifications.

[1987 c 330 § 717; 1986 c 113 § 2. Prior: 1977 ex.s. c 355 § 25; 1977 ex.s. c 20 § 1; 1961 c 12 § 46.37.320; prior: 1955 c 269 § 32; prior: 1937 c 189 § 31; RRS § 6360-31; RCW 46.40.190; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.330 Revocation of certificate of approval on devices--Reapproval, conditions.

Applicable Cases

(1) When the state patrol has reason to believe that an approved device does not comply with the requirements of this chapter or regulations issued by the state patrol, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state patrol shall determine whether said approved device meets the requirements of this chapter and regulations issued by the state patrol. If said device does not meet the requirements of this chapter or the state patrol's regulations it shall give notice to the one to whom the certificate of approval has been issued of the state patrol's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state patrol that said approved device as thereafter to be sold or offered for sale meets the requirements of this chapter or the state patrol's

regulations, the state patrol shall suspend or revoke the approval issued therefor and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification be replaced with devices that do comply.

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state patrol, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets the requirements of this chapter or regulations issued by the state patrol. The state patrol may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

[1987 c 330 § 718; 1977 ex.s. c 355 § 26; 1961 c 12 § 46.37.330. Prior: 1955 c 269 § 33; prior: 1937 c 189 § 32; RRS § 6360-32; RCW 46.40.200; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.340 Braking equipment required.

Applicable Cases

Every motor vehicle, trailer, semitrailer, and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes--adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes--adequacy. Every such vehicle and combination of vehicles shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers; and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351;

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965, shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds;

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351;

(d) Trucks and truck tractors manufactured before July 25, 1980, and having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. Trucks and truck tractors manufactured on or after July 25, 1980, and having three or more axles are required to have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. Such trucks and truck tractors may be equipped with an automatic device to reduce the front-wheel braking effort by up to fifty percent of the normal braking force, regardless of whether or not antilock system failure has occurred on any axle, and:

(i) Must not be operable by the driver except upon application of the control that activates the braking system; and

(ii) Must not be operable when the pressure that transmits brake control application force exceeds eighty-five pounds per square inch (psi) on air-mechanical braking systems, or eighty-five percent of the maximum system pressure in vehicles utilizing other than compressed air.

All trucks and truck tractors having three or more axles must be capable of complying with the performance requirements of RCW 46.37.351;

(e) Special mobile equipment as defined in RCW 46.04.552 and all vehicles designed primarily for off-highway use with braking systems which work within the power train rather than directly at each wheel;

(f) Vehicles manufactured prior to January 1, 1930, may have brakes operating on only two wheels.

(g) For a forklift manufactured after January 1, 1970, and being towed, wheels need not have brakes except for those on the rearmost axle so long as such brakes, together with the brakes on the towing vehicle, shall be adequate to stop the combination within the stopping distance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer, or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, and all other vehicles equipped with air controlled brakes, shall be equipped with two means for emergency application of the brakes. One of these means shall apply the brakes automatically in the event of a reduction of the vehicle's air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer, and pole trailer, and every combination of such vehicles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck, or truck tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assistor type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers, and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the primary supply air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

[1989 c 221 § 1; 1979 c 11 § 1. Prior: 1977 ex.s. c 355 § 27; 1977 ex.s. c 148 § 2; 1965 ex.s. c 170 § 49; 1963 c 154 § 21; 1961 c 12 § 46.37.340; prior: 1955 c 269 § 34; prior: 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.351 Performance ability of brakes.

Applicable Cases

Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brakes, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,

(2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

<i>Classification of vehicles</i>	<i>Braking force as a percent- age of gross vehicle or combination weight</i>	<i>Deceler- ation in feet per second per second</i>	<i>Brake system application and braking distance in feet from an initial speed of 20 m.p.h.</i>
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B-1 All motorcycles and motor-driven cycles	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30

C-1	Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C-2	Combinations of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
C-3	Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C-4	All combinations of vehicles in driveaway-towaway operations	43.5%	14	40
D	All other vehicles and combinations of vehicles	43.5%	14	50

[1963 c 154 § 22.]

Notes:

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.360 Maintenance of brakes--Brake system failure indicator.

Applicable Cases

(1) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the front and back wheels and to wheels on opposite sides of the vehicle.

(2) All passenger cars manufactured on or after January 1, 1968, and other types of vehicles manufactured on or after September 1, 1975, shall be equipped with brake system failure indicator lamps which shall be maintained in good working order. The brake system shall demonstrate good working order and integrity by the application of a force of one hundred twenty-five pounds to the brake pedal for ten seconds without the occurrence of any of the following:

- (i) Illumination of the brake system failure indicator lamp;
 - (ii) A decrease of more than eighty percent of service brake pedal height as measured from its free position to the floorboard or any other object which restricts service brake pedal travel;
 - (iii) Failure of any hydraulic line or other part.
- (3) Brake hoses shall not be mounted so as to contact the vehicle body or chassis. In

addition, brake hoses shall not be cracked, chafed, flattened, abraded, or visibly leaking. Protection devices such as "rub rings" shall not be considered part of the hose or tubing.

(4) Disc and drum condition. If the drum is embossed with a maximum safe diameter dimension or the rotor is embossed with a minimum safety thickness dimension, the drum or disc shall be within the appropriate specifications. These dimensions will be found on motor vehicles manufactured since January 1, 1971, and may be found on vehicles manufactured for several years prior to that time. If the drums and discs are not embossed, the drums and discs shall be within the manufacturer's specifications.

(5) Friction materials. On each brake the thickness of the lining or pad shall not be less than one thirty-second of an inch over the rivet heads, or the brake shoe on bonded linings or pads. Brake linings and pads shall not have cracks or breaks that extend to rivet holes except minor cracks that do not impair attachment. Drum brake linings shall be securely attached to brake shoes. Disc brake pads shall be securely attached to shoe plates.

(6) Backing plates and caliper assemblies shall not be deformed or cracked. System parts shall not be broken, misaligned, missing, binding, or show evidence of severe wear. Automatic adjusters and other parts shall be assembled and installed correctly.

[1977 ex.s. c 355 § 28; 1961 c 12 § 46.37.360. Prior: 1955 c 269 § 36; prior: 1951 c 56 § 2, part; 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.365 Hydraulic brake fluid--Defined--Standards and specifications.

Applicable Cases

(1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.05 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

[1987 c 330 § 719; 1977 ex.s. c 355 § 29; 1963 c 154 § 24.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

RCW 46.37.369 Wheels and front suspension.

Applicable Cases

(1) No vehicle shall be equipped with wheel nuts, hub caps, or wheel discs extending outside the body of the vehicle when viewed from directly above which:

- (a) Incorporate winged projections; or
- (b) Constitute a hazard to pedestrians and cyclists.

For the purposes of this section, a wheel nut is defined as an exposed nut which is mounted at the center or hub of a wheel, and is not one of the ordinary hexagonal nuts which secure a wheel to an axle and are normally covered by a hub cap or wheel disc.

(2) Tire rims and wheel discs shall have no visible cracks, elongated bolt holes, or indications of repair by welding. In addition, the lateral and radial runout of each rim bead area shall not exceed one-eighth of an inch of total indicated runout.

(3) King pins or ball joints shall not be worn to the extent that front wheels tip in or out more than one-quarter of an inch at the lower edge of the tire.

[1977 ex.s. c 355 § 30.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Lowering vehicle below legal clearance: RCW 46.61.680.

RCW 46.37.375 Steering and suspension systems.

Applicable Cases

(1) Construction of steering control system. The steering control system shall be constructed and maintained so that no components or attachments, including horn activating mechanism and trim hardware, can catch the driver's clothing or jewelry during normal driving maneuvers.

(2) Maintenance of steering control system. System play, lash, or free play in the steering system shall not exceed the values tabulated herein.

Steering wheel diameter (inches)	Lash (inches)
16 or less	2
18	2-1/4
20	2-1/2
22	2-3/4

(3) Linkage play. Free play in the steering linkage shall not exceed one-quarter of an inch.

(4) Other components of the steering system such as the power steering belt, tie rods, or idler arms or Pitman arms shall not be broken, worn out, or show signs of breakage.

(5) Suspension condition. Ball joint seals shall not be cut or cracked. Structural parts shall not be bent or damaged. Stabilizer bars shall be connected. Springs shall not be broken, or extended by spacers. Shock absorber mountings, shackles, and U-bolts shall be securely attached. Rubber bushings shall not be cracked, or extruded out or missing from suspension joints. Radius rods shall not be missing or damaged.

(6) Shock absorber system. Shock absorbers shall not be loose from mountings, leak, or be inoperative.

(7) Alignment. Toe-in and toe-out measurements shall not be greater than one and one-half times the value listed in the vehicle manufacturer's service specification for alignment setting.

[1977 ex.s. c 355 § 31.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.
Lowering vehicle below legal clearance: RCW 46.61.680.

RCW 46.37.380 Horns, warning devices, and theft alarms.

Applicable Cases

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

[1987 c 330 § 720; 1986 c 113 § 3; 1977 ex.s. c 355 § 32; 1961 c 12 § 46.37.380. Prior: 1955 c 269 § 38; prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.390 Mufflers, prevention of noise--Smoke and air contaminants--Standards--Definitions.

Applicable Cases

(1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway.

(2)(a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971, shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motor vehicle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection.

[1977 ex.s. c 355 § 33; 1972 ex.s. c 135 § 1; 1967 c 232 § 3; 1961 c 12 § 46.37.390. Prior: 1955 c 269 § 39; prior: 1937 c 189 § 36; RRS § 6360-36; RCW 46.36.050; 1927 c 309 § 17; 1921 c 96 § 21; 1915 c 142 § 20; RRS § 6362-17.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.400 Mirrors, backup devices.

Applicable Cases

(1) Every motor vehicle shall be equipped with a mirror mounted on the left side of the vehicle and so located to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(2) Every motor vehicle shall be equipped with an additional mirror mounted either inside the vehicle approximately in the center or outside the vehicle on the right side and so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(3) Every truck registered or based in Washington that is equipped with a cube-style, walk-in cargo box up to eighteen feet long used in the commercial delivery of goods and services must be equipped with a rear crossview mirror or backup device to alert the driver that a person or object is behind the truck.

(4) All mirrors and backup devices required by this section shall be maintained in good condition. Rear crossview mirrors and backup devices will be of a type approved by the Washington state patrol.

[1998 c 2 § 1; 1977 ex.s. c 355 § 34; 1963 c 154 § 25; 1961 c 12 § 46.37.400. Prior: 1955 c 269 § 40; prior: 1937 c 189 § 37; RRS § 6360-37; RCW 46.36.060.]

Notes:

Effective date--1998 c 2: "This act takes effect September 30, 1998." [1998 c 2 § 2.]

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1963 c 154: See note following RCW 46.37.010.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.410 Windshields required, exception--Must be unobstructed and equipped with wipers.

Applicable Cases

(1) All motor vehicles operated on the public highways of this state shall be equipped with a front windshield manufactured of safety glazing materials for use in motor vehicles in accordance with RCW 46.37.430, except, however, on such vehicles not so equipped or where windshields are not in use, the operators of such vehicles shall wear glasses, goggles, or face shields pursuant to RCW 46.37.530(1)(b).

(2) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(3) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be

controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(4) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

[1977 ex.s. c 355 § 35; 1961 c 12 § 46.37.410. Prior: 1955 c 269 § 41; prior: (i) 1937 c 189 § 38; RRS § 6360-38; RCW 46.36.070. (ii) 1937 c 189 § 39; RRS § 6360-39; RCW 46.36.080.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.420 Tires--Restrictions.

Applicable Cases

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires except vehicles equipped with temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery equipped with pneumatic tires or solid rubber tracks having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the state patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

[1999 c 208 § 1; 1990 c 105 § 1; 1987 c 330 § 721; 1986 c 113 § 4; 1984 c 7 § 50; 1971 ex.s. c 32 § 1; 1969 ex.s. c 7 § 1; 1961 c 12 § 46.37.420. Prior: 1955 c 269 § 42; prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1984 c 7: See note following RCW 47.01.141.

Dangerous road conditions requiring special tires, chains, metal studs: RCW 47.36.250.

Motorcycles and motor-driven cycles--Additional requirements and limitations: RCW 46.37.539.

RCW 46.37.4215 Lightweight studs--Certification by sellers.

Applicable Cases

Beginning January 1, 2000, a person offering to sell to a tire dealer conducting business in the state of Washington, a metal flange or cleat intended for installation as a stud in a vehicle tire shall certify that the studs are lightweight studs as defined in RCW 46.04.272. Certification must be accomplished by clearly marking the boxes or containers used to ship and store studs with the designation "lightweight." This section does not apply to tires or studs in a wholesaler's existing inventory as of January 1, 2000.

[1999 c 219 § 2.]

RCW 46.37.4216 Lightweight studs--Sale of tires containing.

Applicable Cases

Beginning July 1, 2001, a person may not sell a studded tire or sell a stud for installation in a tire unless the stud qualifies as a lightweight stud under RCW 46.04.272.

[1999 c 219 § 3.]

RCW 46.37.423 Pneumatic passenger car tires--Standards--Exception for off-highway use--Penalty.

Applicable Cases

No person, firm, or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state.

[1979 ex.s. c 136 § 71; 1971 c 77 § 1.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.37.424 Regrooved tires--Standards--Exception for off-highway use--Penalty.

Applicable Cases

No person, firm, or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 569--regrooved tires, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

It is a traffic infraction for any person, firm, or corporation to sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state.

[1979 ex.s. c 136 § 72; 1977 ex.s. c 355 § 36; 1971 c 77 § 2.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.425 Tires--Unsafe--State patrol's authority--Penalty.

Applicable Cases

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state patrol.

The state patrol shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as,

"not for highway use" or "for racing purposes only"; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle, except for temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state patrol hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

[1990 c 105 § 2; 1987 c 330 § 722; 1979 ex.s. c 136 § 73; 1977 ex.s. c 355 § 37; 1971 c 77 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Effective date--1971 c 77: "The provisions of RCW 46.37.425 shall have an effective date of January 1, 1972, but the state commission on equipment shall have the authority to proceed with the promulgation of the rules and regulations provided for in RCW 46.37.425 so the rules and regulations may have an effective date of January 1, 1972." [1971 c 77 § 4.]

RCW 46.37.430 Safety glazing--Sunscreening or coloring.

Applicable Cases

(1) No person may sell any new motor vehicle as specified in this title, nor may any new motor vehicle as specified in this title be registered unless such vehicle is equipped with safety glazing material of a type that meets or exceeds federal standards, or if there are none, standards approved by the Washington state patrol. The foregoing provisions apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term "safety glazing materials" means glazing materials so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The director of licensing shall not register any motor vehicle which is subject to the

provisions of this section unless it is equipped with an approved type of safety glazing material, and he or she shall suspend the registration of any motor vehicle so subject to this section which the director finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person may sell or offer for sale, nor may any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type conforming to rules adopted by the state patrol wherever glazing materials are used in outside windows and doors.

(5) No film sunscreening or coloring material that reduces light transmittance to any degree may be applied to the surface of the safety glazing material in a motor vehicle unless it meets the following standards for such material:

(a) The maximum level of film sunscreening material to be applied to any window, except the windshield, shall have a total reflectance of thirty-five percent or less, plus or minus three percent, and a light transmission of thirty-five percent or more, plus or minus three percent, when measured against clear glass resulting in a minimum of twenty-four percent light transmission on AS-2 glazing where the vehicle is equipped with outside rearview mirrors on both the right and left. Installation of more than a single sheet of film sunscreening material to any window is prohibited. The same maximum levels of film sunscreen material may be applied to windows to the immediate right and left of the driver on limousines and passenger buses used to transport persons for compensation and vehicles identified by the manufacturer as multi-use, multipurpose, or other similar designation. All windows to the rear of the driver on such vehicles may have film sunscreening material applied that has less than thirty-five percent light transmittance, if the light reflectance is thirty-five percent or less and the vehicle is equipped with outside rearview mirrors on both the right and left. A person or business tinting windows for profit who tints windows within restricted areas of the glazing system shall supply a sticker to be affixed to the driver's door post, in the area adjacent to the manufacturer's identification tag. Installation of this sticker certifies that the glazing application meets this chapter's standards for light transmission, reflectance, and placement requirements. Stickers must be no smaller than three-quarters of an inch by one and one-half inches, and no larger than two inches by two and one-half inches. The stickers must be of sufficient quality to endure exposure to harsh climate conditions. The business name and state tax identification number of the installer must be clearly visible on the sticker.

(b) A greater degree of light reduction is permitted on all windows and the top six inches of windshields of a vehicle operated by or carrying as a passenger a person who possesses a written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

(c) Windshield application. A greater degree of light reduction is permitted on the top six-inch area of a vehicle's windshield. Clear film sunscreening material that reduces or eliminates ultraviolet light may be applied to windshields.

(d) When film sunscreening material is applied to any window except the windshield, outside mirrors on both the left and right sides shall be located so as to reflect to the driver a view

of the roadway, through each mirror, a distance of at least two hundred feet to the rear of the vehicle.

(e) The following types of film sunscreening material are not permitted:

(i) Mirror finish products;

(ii) Red, gold, yellow, or black material; or

(iii) Film sunscreening material that is in liquid preapplication form and brushed or sprayed on.

Nothing in this section prohibits the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet federal standards and the standards of the state patrol for such safety glazing materials.

(6) It is a traffic infraction for any person to operate a vehicle for use on the public highways of this state, if the vehicle is equipped with film sunscreening or coloring material in violation of this section.

(7) Owners of vehicles with film sunscreening material applied to windows to the rear of the driver, prior to June 7, 1990, must comply with the requirements of this section and RCW 46.37.435 by July 1, 1993.

[1993 c 384 § 1; 1990 c 95 § 1; 1989 c 210 § 1; 1987 c 330 § 723; 1986 c 113 § 5; 1985 c 304 § 1; 1979 c 158 § 157; 1969 ex.s. c 281 § 47; 1961 c 12 § 46.37.430. Prior: 1955 c 269 § 43; prior: 1947 c 220 § 1; 1937 c 189 § 40; Rem. Supp. 1947 § 6360-40; RCW 46.36.090.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.435 Sunscreening, unlawful installation, penalty.

Applicable Cases

From June 7, 1990, a person who installs safety glazing or film sunscreening material in violation of RCW 46.37.430 is guilty of unlawful installation of safety glazing or film sunscreening materials. Unlawful installation is a misdemeanor.

[1990 c 95 § 2.]

RCW 46.37.440 Flares or other warning devices required on certain vehicles.

Applicable Cases

(1) No person may operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there is carried in such vehicle the following equipment except as provided in subsection (2) of this section:

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag may be used for the purpose of compliance with this section unless such equipment is of a type which has been submitted to the

state patrol and conforms to rules adopted by it. No portable reflector unit may be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state patrol and conforms to rules adopted by it;

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried;

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person may operate at the time and under conditions stated in subsection (1) of this section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

[1987 c 330 § 724; 1986 c 113 § 6; 1977 ex.s. c 355 § 38; 1971 ex.s. c 97 § 1; 1961 c 12 § 46.37.440. Prior: 1955 c 269 § 44; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.450 Disabled vehicle--Display of warning devices.

Applicable Cases

(1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled

vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fusees, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on the vehicle. The warning device and its placement shall be in accordance with rules adopted by the state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any civil liability on the part of the state of Washington, the state patrol, any county, or any law

enforcement agency or officer.

(7) The flares, fusees, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

[1987 c 330 § 725; 1987 c 226 § 1; 1984 c 119 § 1; 1961 c 12 § 46.37.450. Prior: 1955 c 269 § 45; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

Notes:

Reviser's note: This section was amended by 1987 c 226 § 1 and by 1987 c 330 § 725, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.465 Fuel system.

Applicable Cases

(1) The fuel system shall be manufactured, installed, and maintained with due regard for the safety of the occupants of the vehicle and the public. Fuel tanks shall be equipped with approved caps.

(2) There shall be no signs of leakage from the carburetor or the fuel pump or the fuel hoses in the engine compartment or between the fuel tank and the engine compartment.

(3) No person shall operate any motor vehicle upon the public highways of this state unless the fuel tank is securely attached and so located that another vehicle would not be exposed to direct contact with the fuel tank in the event of a rear end collision.

[1977 ex.s. c 355 § 39.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.467 Alternative fuel source--Placard required.

Applicable Cases

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section "alternative fuel source" includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the chief of the Washington state patrol, through the director of fire protection, shall be required. The chief of the Washington state patrol, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.

[1995 c 369 § 23; 1986 c 266 § 88; 1984 c 145 § 1; 1983 c 237 § 2.]

Notes:

Effective date--1995 c 369: See note following RCW 43.43.930.

Severability--1986 c 266: See note following RCW 38.52.005.

Legislative finding--1983 c 237: "The legislature finds that vehicles using alternative fuel sources such as propane, compressed natural gas, liquid petroleum gas, or other hydrocarbon gas fuels require fire fighters to use a different technique if the vehicles catch fire. A reflective placard on such vehicles would warn fire fighters of the danger so they could react properly." [1983 c 237 § 1.]

RCW 46.37.470 Air-conditioning equipment.

Applicable Cases

(1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

[1987 c 330 § 726; 1961 c 12 § 46.37.470. Prior: 1955 c 269 § 47.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.480 Television viewers--Earphones.

Applicable Cases

(1) No person shall drive any motor vehicle equipped with any television viewer, screen, or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle. This subsection does not apply to law enforcement vehicles communicating with mobile computer networks.

(2) No person shall operate any motor vehicle on a public highway while wearing any headset or earphones connected to any electronic device capable of receiving a radio broadcast or playing a sound recording for the purpose of transmitting a sound to the human auditory senses and which headset or earphones muffle or exclude other sounds. This subsection does not apply to students and instructors participating in a Washington state motorcycle safety program.

(3) This section does not apply to authorized emergency vehicles, motorcyclists wearing a helmet with built-in headsets or earphones as approved by the Washington state patrol, or motorists using hands-free, wireless communications systems, as approved by the equipment section of the Washington state patrol.

[1996 c 34 § 1; 1991 c 95 § 1; 1988 c 227 § 6; 1987 c 176 § 1; 1977 ex.s. c 355 § 40; 1961 c 12 § 46.37.480. Prior: 1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d. Formerly RCW 46.36.150.]

Notes:

Severability--1988 c 227: See RCW 46.81A.900.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.490 Safety load chains and devices required.

Applicable Cases

It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

[1987 c 330 § 727; 1961 c 12 § 46.37.490. Prior: 1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18. Formerly RCW 46.36.110.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.495 Safety chains for towing.

Applicable Cases

(1) "Safety chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system, as prescribed by rule of the Washington state patrol.

(2) The term "safety chains" includes chains, cables, or wire ropes, or an equivalent flexible member meeting the strength requirements prescribed by rule of the Washington state patrol.

(3) A tow truck towing a vehicle and a vehicle towing a trailer must use safety chains. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

[1995 c 360 § 1.]

Notes:

Tow trucks: Chapter 46.55 RCW.

RCW 46.37.500 Fenders or splash aprons.

Applicable Cases

(1) Except as authorized under subsection (2) of this section, no person may operate any

motor vehicle, trailer, or semitrailer that is not equipped with fenders, covers, flaps, or splash aprons adequate for minimizing the spray or splash of water or mud from the roadway to the rear of the vehicle. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(2) A motor vehicle that is not less than forty years old or a street rod vehicle that is owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

[1999 c 58 § 2; 1988 c 15 § 2; 1977 ex.s. c 355 § 41; 1961 c 12 § 46.37.500. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.36.130 (second paragraph).]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.505 Child passenger restraint systems.

Applicable Cases

The state patrol shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

[1987 c 330 § 728; 1983 c 215 § 1.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 215: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 c 215 § 3.]

Child passenger restraint required: RCW 46.61.687.

RCW 46.37.510 Seat belts and shoulder harnesses.

Applicable Cases

(1) No person may sell any automobile manufactured or assembled after January 1, 1964, nor may any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner conforming to rules adopted by the state patrol. Where registration is for transfer from an out-of-state license, the applicant shall be informed of this section by the issuing agent and has thirty days to comply. The state patrol shall adopt and enforce standards as to what constitutes adequate and safe seat belts and for the fastening and installation of them. Such standards shall not be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person may distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications conforming to rules adopted by the state patrol or the United States department of transportation.

[1987 c 330 § 729; 1986 c 113 § 7; 1977 ex.s. c 355 § 42; 1963 c 117 § 1.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Safety belts, use required: RCW 46.61.688.

RCW 46.37.513 Bumpers.

Applicable Cases

When any motor vehicle was originally equipped with bumpers or any other collision energy absorption or attenuation system, that system shall be maintained in good operational condition, and no person shall remove or disconnect, and no owner shall cause or knowingly permit the removal or disconnection of, any part of that system except temporarily in order to make repairs, replacements, or adjustments.

[1977 ex.s. c 355 § 43.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.517 Body and body hardware.

Applicable Cases

(1) The body, fenders, and bumpers shall be maintained without protrusions which could be hazardous to pedestrians. In addition, the bumpers shall be so attached and maintained so as to not protrude beyond the original bumper line.

(2) The hood, hood latches, hood fastenings, doors, and door latches shall be maintained in a condition sufficient to ensure proper working equal to that at the time of original vehicle manufacture.

[1977 ex.s. c 355 § 44.]

Notes:

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Lowering vehicle below legal clearance: RCW 46.61.680.

RCW 46.37.518 Street rods and kit vehicles.

Applicable Cases

Notwithstanding the requirements of this chapter, hoods and bumpers are optional equipment on street rods and kit vehicles. Street rods and kit vehicles must comply with fender requirements under RCW 46.37.500(2) and the windshield requirement of RCW 46.37.410(1).

[1996 c 225 § 12.]

Notes:

Finding--1996 c 225: See note following RCW 46.04.125.

RCW 46.37.520 Beach vehicles with soft tires--"Dune buggies"--Inspection and approval required--Fee.

Applicable Cases

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state patrol, which may charge a reasonable fee therefor to go into the motor vehicle fund.

[1987 c 330 § 730; 1971 ex.s. c 91 § 4; 1965 ex.s. c 170 § 61.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.37.522 Motorcycles and motor-driven cycles--When head lamps and tail lamps to be lighted.

Applicable Cases

Every motorcycle and motor-driven cycle shall have its head lamps and tail lamps lighted whenever such vehicle is in motion upon a highway.

[1977 ex.s. c 355 § 45.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.523 Motorcycles and motor-driven cycles--Head lamps.

Applicable Cases

(1) Every motorcycle and every motor-driven cycle shall be equipped with at least one lamp which shall comply with the requirements and limitations of this section.

(2) Every head lamp upon every motorcycle and motor-driven cycle shall be located at a height of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

(3) Every motorcycle other than a motor-driven cycle shall be equipped with multiple-beam road-lighting equipment.

(4) Such equipment shall:

(a) Reveal persons and vehicles at a distance of at least three hundred feet ahead when the uppermost distribution of light is selected;

(b) Reveal persons and vehicles at a distance of at least one hundred fifty feet ahead when the lowermost distribution of light is selected, and on a straight, level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

[1977 ex.s. c 355 § 46.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.524 Motor-driven cycles--Head lamps.

Applicable Cases

The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every such head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour;

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1), and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220;

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

[1977 ex.s. c 355 § 47.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.525 Motorcycles and motor-driven cycles--Tail lamps, reflectors, and stop lamps.

Applicable Cases

(1) Every motorcycle and motor-driven cycle shall have at least one tail lamp which shall be located at a height of not more than seventy-two nor less than fifteen inches.

(2) Either a tail lamp or a separate lamp shall be so constructed and placed as to

illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(3) Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the tail lamp or separately, at least one red reflector meeting the requirements of RCW 46.37.060.

(4) Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of RCW 46.37.070.

[1977 ex.s. c 355 § 48.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.527 Motorcycles and motor-driven cycles--Brake requirements.

Applicable Cases

Every motorcycle and motor-driven cycle must comply with the provisions of RCW 46.37.351, except that:

(1) Motorcycles and motor-driven cycles need not be equipped with parking brakes;

(2) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle need not be equipped with brakes, if such motorcycle or motor-driven cycle is otherwise capable of complying with the braking performance requirements of RCW 46.37.528 and 46.37.529;

(3) Motorcycles shall be equipped with brakes operating on both the front and rear wheels unless the vehicle was originally manufactured without both front and rear brakes: PROVIDED, That a front brake shall not be required on any motorcycle over twenty-five years old which was originally manufactured without a front brake and which has been restored to its original condition and is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: PROVIDED FURTHER, That no front brake shall be required on any motorcycle manufactured prior to January 1, 1931.

[1982 c 77 § 6; 1977 ex.s. c 355 § 49.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1982 c 77: See note following RCW 46.20.500.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.528 Motorcycles and motor-driven cycles--Performance ability of brakes.

Applicable Cases

Every motorcycle and motor-driven cycle, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than forty-three and one-half percent of its gross weight;

(2) Decelerating to a stop from not more than twenty miles per hour at not less than fourteen feet per second per second; and

(3) Stopping from a speed of twenty miles per hour in not more than thirty feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

[1977 ex.s. c 355 § 50.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.529 Motor-driven cycles--Braking system inspection.

Applicable Cases

(1) The state patrol is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state patrol determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state patrol has disapproved the braking system upon such vehicle.

[1987 c 330 § 731; 1979 c 158 § 158; 1977 ex.s. c 355 § 51.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.530 Motorcycles, motor-driven cycles, mopeds, electric-assisted bicycles--Helmets, other equipment--Children--Rules.

Applicable Cases

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from

or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

[1997 c 328 § 4; 1990 c 270 § 7. Prior: 1987 c 454 § 1; 1987 c 330 § 732; 1986 c 113 § 8; 1982 c 77 § 7; 1977 ex.s. c 355 § 55; 1971 ex.s. c 150 § 1; 1969 c 42 § 1; 1967 c 232 § 4.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Short title--1990 c 270: See RCW 43.70.440.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1982 c 77: See note following RCW 46.20.500.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

Maximum height for handlebars: RCW 46.61.611.

Riding on motorcycles: RCW 46.61.610.

RCW 46.37.535 Motorcycles, motor-driven cycles, or mopeds--Helmet requirements when rented.

Applicable Cases

It is unlawful for any person to rent out motorcycles, motor-driven cycles, or mopeds unless the person also has on hand for rent helmets of a type conforming to rules adopted by the state patrol.

It shall be unlawful for any person to rent a motorcycle, motor-driven cycle, or moped unless the person has in his or her possession a helmet of a type approved by the state patrol, regardless of from whom the helmet is obtained.

[1990 c 270 § 8; 1987 c 330 § 733; 1986 c 113 § 9; 1977 ex.s. c 355 § 56; 1967 c 232 § 10.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Short title--1990 c 270: See RCW 43.70.440.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

License requirement for person renting motorcycle: RCW 46.20.220.

RCW 46.37.537 Motorcycles--Exhaust system.

Applicable Cases

No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this section, or which has been amplified as prohibited by this section.

[1977 ex.s. c 355 § 52.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.539 Motorcycles and motor-driven cycles--Additional requirements and limitations.

Applicable Cases

Every motorcycle and every motor-driven cycle shall also comply with the requirements and limitations of:

RCW 46.37.380 on horns and warning devices;

RCW 46.37.390 on mufflers and prevention of noise;

RCW 46.37.400 on mirrors; and

RCW 46.37.420 on tires.

[1977 ex.s. c 355 § 53.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1977 ex.s. c 355: See note following RCW 46.37.010.

RCW 46.37.540 Odometers--Disconnecting, resetting, or turning back prohibited.

Applicable Cases

It shall be unlawful for any person to disconnect, turn back, or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge.

[1983 c 3 § 119; 1969 c 112 § 2.]

Notes:

Motor vehicle dealers, unlawful acts and practices: RCW 46.70.180.

RCW 46.37.550 Odometers--Selling motor vehicle knowing odometer turned back unlawful.

Applicable Cases

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he had reason to believe that the odometer has been turned back.

[1969 c 112 § 3.]

RCW 46.37.560 Odometers--Selling motor vehicle knowing odometer replaced unlawful.

Applicable Cases

It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he believes the odometer to have been replaced.

[1969 c 112 § 4.]

RCW 46.37.570 Odometers--Selling, advertising, using, or installing device registering false mileage.

Applicable Cases

It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance.

[1969 c 112 § 5.]

RCW 46.37.590 Odometers--Purchaser plaintiff to recover costs and attorney's fee, when.

Applicable Cases

In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if: (1) The suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to RCW 46.37.540 and 46.37.550 or replaced contrary to RCW 46.37.560; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with or replaced and failed to disclose such knowledge to the purchaser prior to the time of sale.

[1975 c 24 § 1; 1969 c 112 § 7.]

RCW 46.37.600 Liability of operator, owner, lessee for violations.

Applicable Cases

Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

[1980 c 104 § 4; 1969 ex.s. c 69 § 3.]

RCW 46.37.610 Wheelchair conveyance standards.

Applicable Cases

The state patrol shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

[1987 c 330 § 734; 1983 c 200 § 4.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definition: RCW 46.04.710.

licensing: RCW 46.16.640.

operator's license: RCW 46.20.109.

public roadways, operating on: RCW 46.61.730.

RCW 46.37.620 School buses--Crossing arms.

Applicable Cases

Effective September 1, 1992, every school bus shall, in addition to any other equipment required by this chapter, be equipped with a crossing arm mounted to the bus that, when extended, will require students who are crossing in front of the bus to walk more than five feet from the front of the bus.

[1991 c 166 § 1.]

RCW 46.37.630 Private school buses.

Applicable Cases

A private school bus is subject to the requirements set forth in the National Standards for School Buses established by the national safety council in effect at the time of the bus manufacture, as adopted by rule by reference by the chief of the Washington state patrol. A private school bus manufactured before 1980 must meet the minimum standards set forth in the 1980 edition of the National Standards for School Buses.

[1995 c 141 § 3.]

Chapter 46.38 RCW
VEHICLE EQUIPMENT SAFETY COMPACT

RCW

46.38.010	Compact enacted--Provisions.
46.38.020	Legislative findings.
46.38.030	Effective date of rules, etc. of vehicle safety equipment commission.
46.38.040	Appointment of commissioner and alternate commissioner.
46.38.050	Cooperation of state agencies with vehicle equipment safety commission.
46.38.060	State officers for the filing of documents and receipt of notices.
46.38.070	Vehicle equipment safety commission to submit budgets to director of financial management.
46.38.080	State auditor to inspect accounts of vehicle equipment safety commission.
46.38.090	Withdrawal from compact, "executive head" defined.

RCW 46.38.010 Compact enacted--Provisions.

Applicable Cases

The vehicle equipment safety compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments, is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT

ARTICLE I--Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II--Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III--The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the

party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV--Research and Testing

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V--Vehicular Equipment

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically

finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI--Finance

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII--Conflict of Interest

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII--Advisory and Technical Committees

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX--Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X--Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or

the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

[1963 c 204 § 1.]

RCW 46.38.020 Legislative findings.

Applicable Cases

The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state patrol, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

[1987 c 330 § 735; 1963 c 204 § 2.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.38.030 Effective date of rules, etc. of vehicle safety equipment commission.

Applicable Cases

Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the administrative procedure act by the state patrol.

[1987 c 330 § 736; 1967 ex.s. c 145 § 57; 1963 c 204 § 3.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.38.040 Appointment of commissioner and alternate commissioner.

Applicable Cases

The commissioner of this state on the vehicle equipment safety commission shall be appointed by the chief of the state patrol to serve at the chief's pleasure. The chief of the state

patrol may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the chief of the state patrol.

[1987 c 330 § 737; 1963 c 204 § 4.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.38.050 Cooperation of state agencies with vehicle equipment safety commission.

Applicable Cases

Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the vehicle equipment safety commission within the scope contemplated by Article III(h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission.

[1963 c 204 § 5.]

RCW 46.38.060 State officers for the filing of documents and receipt of notices.

Applicable Cases

Filing of documents as required by Article III(j) of the compact shall be with the chief of the state patrol. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the chief of the state patrol.

[1987 c 330 § 738; 1963 c 204 § 6.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.38.070 Vehicle equipment safety commission to submit budgets to director of financial management.

Applicable Cases

Pursuant to Article VI(a) of the compact, the vehicle equipment safety commission shall submit its budgets to the director of financial management.

[1979 c 151 § 160; 1963 c 204 § 7.]

RCW 46.38.080 State auditor to inspect accounts of vehicle equipment safety commission.

Applicable Cases

Pursuant to Article VI(e) of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the vehicle equipment safety commission.

[1963 c 204 § 8.]

RCW 46.38.090 Withdrawal from compact, "executive head" defined.

Applicable Cases

The term "executive head" as used in Article IX(b) of the compact shall, with reference to this state, mean the governor.

[1963 c 204 § 9.]

**Chapter 46.39 RCW
INTERSTATE COMPACT FOR SCHOOL BUS SAFETY**

RCW

46.39.010 Compact enacted--Provisions.

46.39.020 Designation of Washington state commissioners.

RCW 46.39.010 Compact enacted--Provisions.

Applicable Cases

The "Interstate Compact for School Bus Safety" is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

INTERSTATE COMPACT FOR
SCHOOL BUS SAFETY

ARTICLE I
FINDINGS AND PURPOSES

(a) The party states find that:

(1) School transportation is an integral part of our education systems. The increasing volume of traffic on streets and highways, with larger numbers of school children being transported each year, presents a serious problem in safety that requires regulation and control.

(2) During recent years the various states have each developed their own rules, regulations and standards which govern the operation of school buses in the individual states, thus creating vast differences in construction standards and operational procedures.

(3) Standardization by means of interstate cooperation, exchange of information, and the promulgation of uniform practices among the states can do much to mitigate present hazards and at the same time generate cost reductions and improved service.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for school bus equipment.

(2) Secure uniformity of law and administrative practices in school bus vehicle regulation and related safety standards, incorporating desirable equipment changes in the interest of greater school bus safety.

(3) Establish a means whereby the states party to this compact shall jointly agree on certain school bus minimum standards and procedures including, without limitation by the

enumeration, the following:

- (i) Items which affect the motorist, such as use of lights, signs, and signaling devices that control traffic;
 - (ii) Procedural activities of school bus drivers in controlling traffic; and in the loading and unloading of buses;
 - (iii) Construction and other specifications which can lead to lower initial costs and the interchangeability of school buses among states;
 - (iv) A framework within which the party states may develop uniform driver training programs; and
 - (v) Development of accurate and uniform accident statistical reporting among the party states.
- (4) Encourage and utilize research which will facilitate achievement of the foregoing purposes, with due regard for the findings set forth in subsection (a) of this Article.
- (5) It is recognized that there are inherent differences in transportation needs in each of the party states. It shall not be the purpose of this compact to abridge, impair or adversely affect the jurisdiction or authority of the individual states to regulate and control their own school transportation systems.
- (6) Investigate the safety and economic advantage of children being transported.

ARTICLE II DEFINITIONS

- (a) "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other special commonwealth as may be established by the Government of the United States.
- (b) "School bus" shall have the same meaning as provided in RCW 46.04.521.
- (c) "Equipment" means the equipment required for school buses under chapter 46.37 RCW.

ARTICLE III THE COMMISSION

(a) There is hereby created an agency of the party states to be known as the "Western States School Bus Safety Commission" (hereinafter called the Commission). The Commission shall consist of not less than one nor more than three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and not less than one or more than three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the States from which they shall be appointed, provided that at least one member shall be appointed from the State agency which has primary responsibility for pupil transportation in that State. Any commissioner may be removed or suspended from office as provided by the law of the State from

which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incidental to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

(b) Each state delegation shall be entitled to one vote, and the presence of commissioners from a majority of the party states shall constitute a quorum for the transaction of business at any meeting of the Commission. A majority vote of the quorum will be required to adopt any measure before the Commission. The commissioners representing the United States Government shall act in an advisory capacity and shall not have voting powers.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Commission shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, shall be bonded in such amounts as the Commission may require.

(e) The Executive Director, with the approval of the Commission, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Commission may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(i) The Commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Commission shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(j) The Commission annually shall make to the governor and the legislature of each party state, a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been adopted by the Commission. The Commission may issue such additional reports as it may deem desirable.

ARTICLE IV

FUNCTIONS AND ACTIVITIES

(a) The Commission shall have power to perform the following functions and activities that relate to school bus transportation:

(1) Recommend and encourage research, testing and training activities to the extent the Commission finds necessary.

(2) Contract for research, testing and training activities on behalf of the Commission itself or for one or more governmental agencies if they provide special funding for that purpose.

(3) Engage directly in such activities to the extent approved by the Commission.

(4) Recommend to the party states of needed changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination of school bus construction, equipment, safety programs, and school bus driver training.

(5) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this article to the appropriate agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(6) Each party state, recognizing that to carry out the intent of this compact, obligates itself to adopt in identical terms, all rules, regulations and specifications which are standardized through due process to the States.

(b) The Commission may establish such advisory and technical committees as may be necessary, membership on which may include public officials and private citizens. The Commission may also cooperate with other governmental agencies and interstate organizations and with organizations representing the private sector.

ARTICLE V FINANCE

(a) Moneys necessary to finance the Commission in carrying out its duties shall be provided through appropriations from the states party to this compact, said payments to be in direct proportion to the number of school buses registered in the respective party states. The initial rate of payment shall be figured at \$0.50 per bus, provided that no state shall contribute less than \$500.00 per annum. The annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars. Subsequent budgets shall be determined by the Commission, and the cost thereof allocated in the same proportion as the initial budget.

(b) The Commission may accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional and otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

ARTICLE VI

ENTRY INTO FORCE AND WITHDRAWAL

(a) This compact shall enter into immediate force and effect as to any state when enacted by it into law, and such state shall thereafter be a party thereto with any and all states joining therein.

(b) It is the purpose of this compact to provide the necessary legal basis for implementation and adoption by each party state of the standardized rules, regulations and specifications as adopted by the Commission. Consistent with the laws of each party state, there shall be a "compact administrator" who, acting jointly with like officials of other party states, shall promulgate necessary rules, regulations and specifications within that state to carry out the actions and directives of the Commission.

(c) Any state party to this compact may, by legislative act after one year's notice to the Commission, withdraw from the compact. The compact may also be terminated at any time by the unanimous agreement of the several party states. Withdrawal shall not relieve a state from its obligations hereunder prior to the effective withdrawal date.

(d) If any state shall at any time default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state and its members on the Commission shall be suspended after the date of such default. Such suspension shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

ARTICLE VII SEVERABILITY

(a) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be unconstitutional or the applicability thereof to any state, agency, person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to any other state, agency, person or circumstances shall not be affected thereby. It is the legislative intent that the provisions of this compact be reasonably and liberally construed.

[1977 ex.s. c 88 § 1.]

RCW 46.39.020 Designation of Washington state commissioners.

Applicable Cases

The Washington state commissioners to the western states school bus safety commission shall be the secretary of transportation, the superintendent of public instruction, and the chief of the Washington state patrol or their respective designees. Annually the Washington commissioners shall elect a chairman from their own membership who shall serve for one year commencing July 1st. Election as chairman shall not interfere with the member's right to vote on

all matters before the Washington commissioners. The Washington commissioners may by majority vote designate one of their members to represent the state on any matter coming before the Western states school bus safety commission.

[1984 c 7 § 51; 1977 ex.s. c 88 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

**Chapter 46.44 RCW
SIZE, WEIGHT, LOAD**

- 46.44.010 Outside width limit.
- 46.44.015 Tow truck exemptions.
- 46.44.020 Maximum height--Impaired clearance signs.
- 46.44.030 Maximum lengths.
- 46.44.034 Maximum lengths--Front and rear protrusions.
- 46.44.036 Combination of units--Limitation.
- 46.44.037 Combination of units--Lawful operations.
- 46.44.038 Size and combinations restrictions--Special permits to exceed authorized.
- 46.44.041 Maximum gross weights--Wheelbase and axle factors.
- 46.44.042 Maximum gross weights--Axle and tire factors.
- 46.44.043 Cement trucks--Axle loading controls.
- 46.44.047 Excess weight--Logging trucks--Special permits--County or city permits--Fees--Discretion of arresting officer.
- 46.44.049 Effect of weight on highways--Study authorized.
- 46.44.050 Minimum length of wheelbase.
- 46.44.060 Outside load limits for passenger vehicles.
- 46.44.070 Drawbar requirements--Trailer whipping or weaving--Towing flag.
- 46.44.080 Local regulations--State highway regulations.
- 46.44.090 Special permits for oversize or overweight movements.
- 46.44.091 Special permits--Gross weight limit.
- 46.44.092 Special permits--Overall width limits, exceptions--Application for permit.
- 46.44.093 Special permits--Discretion of issuer--Conditions.
- 46.44.0941 Special permits--Fees.
- 46.44.095 Temporary additional tonnage permits--Fees.
- 46.44.096 Special permits--Determining fee--To whom paid.
- 46.44.098 Increase in federal limits on sizes and weights--Increases by commission.
- 46.44.105 Enforcement procedures--Penalties--Rules.
- 46.44.110 Liability for damage to highways, bridges, etc.
- 46.44.120 Liability of owner, others, for violations.
- 46.44.130 Farm implements--Gross weight and size limitation exception--Penalty.
- 46.44.140 Farm implements--Special permits--Penalty.
- 46.44.150 Highway improvement vehicles--Gross weight limit excesses authorized--Limitations.
- 46.44.170 Mobile home movement special permit and decal--Certification of taxes paid--License plates--Rules.
- 46.44.173 Notice to treasurer and assessor of county where mobile home to be located.
- 46.44.175 Penalties--Hearing.
- 46.44.180 Operation of mobile home pilot vehicle without insurance

unlawful--Amounts--Exception--Penalty.

Notes:

Rules of court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

Traffic infractions--Monetary penalty schedule--IRLJ 6.2.

Auto transportation companies: Chapter 81.68 RCW.

Permitting escape of load materials: RCW 46.61.655.

RCW 46.44.010 Outside width limit.

Applicable Cases

The total outside width of any vehicle or load thereon shall not exceed eight and one-half feet: PROVIDED, That no rear vision mirror may extend more than five inches beyond the extreme limits of the body: PROVIDED FURTHER, That excluded from this calculation of width are safety appliances such as clearance lights, rub rails, flexible fender extensions, mud flaps, and splash and spray suppressant devices, and appurtenances such as door handles, door hinges, and turning signal brackets and such other safety appliances and appurtenances as the department may determine are necessary for the safe and efficient operation of motor vehicles: AND PROVIDED FURTHER, That no appliances or appurtenances may extend more than three inches beyond the extreme limits of the body.

[1997 c 63 § 1; 1983 c 278 § 1; 1961 c 12 § 46.44.010. Prior: 1947 c 200 § 4; 1937 c 189 § 47; Rem. Supp. 1947 § 6360-47; 1923 c 181 § 4, part; RRS § 6362-8, part.]

RCW 46.44.015 Tow truck exemptions.

Applicable Cases

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.041, 46.44.042, 46.44.050, and 46.44.080 do not apply to the movement of a tow truck, as defined in RCW 46.55.010, if the tow truck is performing the initial tow truck service, as defined in RCW 46.55.010, regardless of the destination, for a vehicle disabled on the public streets and highways of this state: PROVIDED, That an overweight permit has been obtained by the tow truck operator with such permit being available on a twenty-four hour basis by telephone.

[1991 c 276 § 1.]

RCW 46.44.020 Maximum height--Impaired clearance signs.

Applicable Cases

It is unlawful for any vehicle unladen or with load to exceed a height of fourteen feet above the level surface upon which the vehicle stands. This height limitation does not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section do not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where the vehicle or combination of vehicles is being operated; and no liability may attach to the state or to any county, city, town, or

other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is fourteen feet or more; or, where the vertical clearance is less than fourteen feet, if impaired clearance signs of a design approved by the state department of transportation are erected and maintained on the right side of any such public highway in accordance with the manual of uniform traffic control devices for streets and highways as adopted by the state department of transportation under chapter 47.36 RCW. If any structure over or across any public highway is not owned by the state or by a county, city, town, or other political subdivision, it is the duty of the owner thereof when billed therefor to reimburse the state department of transportation or the county, city, town, or other political subdivision having jurisdiction over the highway for the actual cost of erecting and maintaining the impaired clearance signs, but no liability may attach to the owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

[1984 c 7 § 52; 1977 c 81 § 1; 1975-'76 2nd ex.s. c 64 § 7; 1971 ex.s. c 248 § 1; 1965 c 43 § 1; 1961 c 12 § 46.44.020. Prior: 1959 c 319 § 26; 1955 c 384 § 1; 1953 c 125 § 1; 1951 c 269 § 20; 1937 c 189 § 48; RRS § 6360-48.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.030 Maximum lengths.

Applicable Cases

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of forty feet. This restriction does not apply to (1) a municipal transit vehicle, (2) auto stage, private carrier bus or school bus with an overall length not to exceed forty-six feet, or (3) an articulated auto stage with an overall length not to exceed sixty-one feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a tractor and semitrailer that has a semitrailer length in excess of fifty-three feet or a combination consisting of a tractor and two trailers in which the combined length of the trailers exceeds sixty-one feet, with or without load.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or log truck and stinger-steered pole trailer, with an overall length, with or without load, in excess of seventy-five feet. However, a combination of vehicles transporting automobiles or boats may have a front overhang of three feet and a rear overhang of four feet beyond this allowed length. "Stinger-steered," as used in this section, means the coupling device is located behind the tread of the tires of the last axle of the towing vehicle.

These length limitations do not apply to vehicles transporting poles, pipe, machinery, or other objects of a structural nature that cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties, but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient

number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

The length limitations described in this section are exclusive of safety and energy conservation devices, such as mud flaps and splash and spray suppressant devices, refrigeration units or air compressors, and other devices that the department determines to be necessary for safe and efficient operation of commercial vehicles. No device excluded under this paragraph from the limitations of this section may have, by its design or use, the capability to carry cargo.

[1995 c 26 § 1; 1994 c 59 § 2; 1993 c 301 § 1; 1991 c 113 § 1; 1990 c 28 § 1; 1985 c 351 § 1; 1984 c 104 § 1; 1983 c 278 § 2; 1979 ex.s. c 113 § 4; 1977 ex.s. c 64 § 1; 1975-'76 2nd ex.s. c 53 § 1; 1974 ex.s. c 76 § 2; 1971 ex.s. c 248 § 2; 1967 ex.s. c 145 § 61; 1963 ex.s. c 3 § 52; 1961 ex.s. c 21 § 36; 1961 c 12 § 46.44.030. Prior: 1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Notes:

Effective date--1995 c 26: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1995." [1995 c 26 § 2.]

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.44.034 Maximum lengths--Front and rear protrusions.

Applicable Cases

(1) The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper. This subsection does not apply to a front-loading garbage truck or recycling truck while on route and actually engaged in the collection of solid waste or recyclables at speeds of twenty miles per hour or less.

(2) No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of the last axle of such vehicle. This subsection does not apply to "specialized equipment" designated under 49 U.S.C. Sec. 2311 that is operated on the interstate highway system, those designated portions of the federal-aid primary system, and routes constituting reasonable access from such highways to terminals and facilities for food, fuel, repairs, and rest.

[1997 c 191 § 1; 1991 c 143 § 1; 1961 c 12 § 46.44.034. Prior: 1957 c 273 § 15; 1951 c 269 § 24; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

RCW 46.44.036 Combination of units--Limitation.

Applicable Cases

Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer or pole trailer combination in such a way that it supports a proportional share

of the load of the semitrailer or pole trailer shall not be deemed a separate vehicle but shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but shall be considered a part of the trailer.

[1975-'76 2nd ex.s. c 64 § 8; 1961 c 12 § 46.44.036. Prior: 1955 c 384 § 2; 1951 c 269 § 23; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.037 Combination of units--Lawful operations.

Applicable Cases

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state department of transportation, operation of the following combinations is lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and another semitrailer or a full trailer. In this combination a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination;

(2) A combination not exceeding seventy-five feet in overall length consisting of four trucks or truck tractors used in driveaway service where three of the vehicles are towed by the fourth in triple saddlemount position;

(3) A combination consisting of a truck tractor carrying a freight compartment no longer than eight feet, a semitrailer, and another semitrailer or full trailer that meets the legal length requirement for a truck and trailer combination set forth in RCW 46.44.030.

[1991 c 143 § 2; 1985 c 351 § 2; 1984 c 7 § 53; 1979 ex.s. c 149 § 3; 1975-'76 2nd ex.s. c 64 § 9; 1965 ex.s. c 170 § 37; 1963 ex.s. c 3 § 53; 1961 c 12 § 46.44.037. Prior: 1957 c 273 § 16; 1955 c 384 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.038 Size and combinations restrictions--Special permits to exceed authorized.

Applicable Cases

Subject to such terms and conditions as it shall consider proper and on such highways as it shall deem suitable, and when it finds it to be in the public interest, the state department of transportation may by special permit authorize the operation of vehicles and combinations of vehicles other than school buses which exceed the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.036. The fee for such permits shall be those set forth in RCW 46.44.0941.

[1983 c 3 § 120; 1967 ex.s. c 145 § 62.]

Notes:

Severability--1967 ex.s. c 145: See RCW 47.98.043.

RCW 46.44.041 Maximum gross weights--Wheelbase and axle factors.

Applicable Cases

No vehicle or combination of vehicles shall operate upon the public highways of this state with a gross load on any single axle in excess of twenty thousand pounds, or upon any group of axles in excess of that set forth in the following table, except that two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each, if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles								
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axles	
4	34,000								
5	34,000								
6	34,000								
7	34,000								
8 & less	34,000	34,000							
more than 8	38,000	42,000							
9	39,000	42,500							
10	40,000	43,500							
11		44,000							
12		45,000	50,000						
13		45,500	50,500						
14		46,500	51,500						
15		47,000	52,000						
16		48,000	52,500	58,000					
17		48,500	53,500	58,500					
18		49,500	54,000	59,000					

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19	50,000	54,500	60,000				
20	51,000	55,500	60,500	66,000			
21	51,500	56,000	61,000	66,500			
22	52,500	56,500	61,500	67,000			
23	53,000	57,500	62,500	68,000			
24	54,000	58,000	63,000	68,500	74,000		
25	54,500	58,500	63,500	69,000	74,500		
26	55,500	59,500	64,000	69,500	75,000		
27	56,000	60,000	65,000	70,000	75,500		
28	57,000	60,500	65,500	71,000	76,500	82,000	
29	57,500	61,500	66,000	71,500	77,000	82,500	
30	58,500	62,000	66,500	72,000	77,500	83,000	
31	59,000	62,500	67,500	72,500	78,000	83,500	
32	60,000	63,500	68,000	73,000	78,500	84,500	90,000
33		64,000	68,500	74,000	79,000	85,000	90,500
34		64,500	69,000	74,500	80,000	85,500	91,000
35		65,500	70,000	75,000	80,500	86,000	91,500
36		66,000	70,500	75,500	81,000	86,500	92,000
37		66,500	71,000	76,000	81,500	87,000	93,000
38		67,500	71,500	77,000	82,000	87,500	93,500
39		68,000	72,500	77,500	82,500	88,500	94,000
40		68,500	73,000	78,000	83,500	89,000	94,500
41		69,500	73,500	78,500	84,000	89,500	95,000
42		70,000	74,000	79,000	84,500	90,000	95,500
43		70,500	75,000	80,000	85,000	90,500	96,000
44		71,500	75,500	80,500	85,500	91,000	96,500
45		72,000	76,000	81,000	86,000	91,500	97,500
46		72,500	76,500	81,500	87,000	92,500	98,000
47		73,500	77,500	82,000	87,500	93,000	98,500
48		74,000	78,000	83,000	88,000	93,500	99,000
49		74,500	78,500	83,500	88,500	94,000	99,500
50		75,500	79,000	84,000	89,000	94,500	100,000
51		76,000	80,000	84,500	89,500	95,000	100,500
52		76,500	80,500	85,000	90,500	95,500	101,000
53		77,500	81,000	86,000	91,000	96,500	102,000
54		78,000	81,500	86,500	91,500	97,000	102,500

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						0
55	78,500	82,500	87,000	92,000	97,500	103,000
56	79,500	83,000	87,500	92,500	98,000	103,500
57	80,000	83,500	88,000	93,000	98,500	104,000
58		84,000	89,000	94,000	99,000	104,500
59		85,000	89,500	94,500	99,500	105,500
60		85,500	90,000	95,000	100,500	105,500
61		86,000	90,500	95,500	101,000	105,500
62		86,500	91,000	96,000	101,500	105,500
63		87,500	92,000	96,500	102,000	105,500
64		88,000	92,500	97,500	102,500	105,500
65		88,500	93,000	98,000	103,000	105,500
66		89,000	93,500	98,500	103,500	105,500
67		90,000	94,000	99,000	104,500	105,500
68		90,500	95,000	99,500	105,000	105,500
69		91,000	95,500	100,000	105,500	105,500
70		91,500	96,000	101,000	105,500	105,500
71		92,500	96,500	101,500	105,500	105,500
72		93,000	97,000	102,000	105,500	105,500
73		93,500	98,000	102,500	105,500	105,500
74		94,000	98,500	103,000	105,500	105,500
75		95,000	99,000	103,500	105,500	105,500
76		95,500	99,500	104,500	105,500	105,500

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					0
77	96,000	100,000	105,000	105,500	105,500
					0
78	96,500	101,000	105,500	105,500	105,500
					0
79	97,500	101,500	105,500	105,500	105,500
					0
80	98,000	102,000	105,500	105,500	105,500
					0
81	98,500	102,500	105,500	105,500	105,500
					0
82	99,000	103,000	105,500	105,500	105,500
					0
83	100,000	104,000	105,500	105,500	105,500
					0
84		104,500	105,500	105,500	105,500
					0
85		105,000	105,500	105,500	105,500
					0
86 or more		105,500	105,500	105,500	105,500
					0

When inches are involved: Under six inches take lower, six inches or over take higher. The maximum load on any axle in any group of axles shall not exceed the single axle or tandem axle allowance as set forth in the table above.

The maximum axle and gross weights specified in this section are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

Loads of not more than eighty thousand pounds which may be legally hauled in the state bordering this state which also has a sales tax, are legal in this state when moving to a port district within four miles of the bordering state except on the interstate system. This provision does not allow the operation of a vehicle combination consisting of a truck tractor and three trailers.

Notwithstanding anything contained herein, a vehicle or combination of vehicles in operation on January 4, 1975, may operate upon the public highways of this state, including the interstate system within the meaning of section 127 of Title 23, United States Code, with an overall gross weight upon a group of two consecutive sets of dual axles which was lawful in this state under the laws, regulations, and procedures in effect in this state on January 4, 1975.

[1997 c 198 § 1; 1995 c 171 § 1. Prior: 1993 c 246 § 1; 1993 c 102 § 3; prior: 1988 c 229 § 1; 1988 c 6 § 2; 1985 c 351 § 3; 1977 c 81 § 2; 1975-'76 2nd ex.s. c 64 § 22.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.042 Maximum gross weights--Axle and tire factors.

Applicable Cases

Subject to the maximum gross weights specified in RCW 46.44.041, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of six hundred pounds per inch width of such tire. An axle manufactured after July 31, 1993, carrying more than ten thousand pounds gross weight must be equipped with four or more tires. Effective January 1, 1997, an axle carrying more than ten thousand pounds gross weight must have four or more tires, regardless of date of manufacture. Instead of the four or more tires per axle requirements of this section, an axle may be equipped with two tires limited to five hundred pounds per inch width of tire. This section does not apply to vehicles operating under oversize or overweight permits, or both, issued under RCW 46.44.090, while carrying a nonreducible load.

The following equipment may operate at six hundred pounds per inch width of tire: (1) A nonliftable steering axle or axles on the power unit; (2) a tiller axle on fire fighting apparatus; (3) a rear booster trailing axle equipped with two tires on a ready-mix concrete transit truck; and (4) a straddle trailer manufactured before January 1, 1996, equipped with single-tire axles or a single axle using a walking beam supported by two in-line single tires and used exclusively for the transport of fruit bins between field, storage, and processing. A straddle trailer manufactured after January 1, 1996, meeting this use criteria may carry five hundred fifteen pounds per inch width of tire on sixteen and one-half inch wide tires.

For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

The department of transportation, under rules adopted by the transportation commission with respect to state highways, and a local authority, with respect to a public highway under its jurisdiction, may extend the weight table in RCW 46.44.041 to one hundred fifteen thousand pounds. However, the extension must be in compliance with federal law, and vehicles operating under the extension must be in full compliance with the 1997 axle and tire requirements under this section.

[1996 c 116 § 1; 1993 c 103 § 1; 1985 c 351 § 4; 1975-'76 2nd ex.s. c 64 § 10; 1961 c 12 § 46.44.042. Prior: 1959 c 319 § 27; 1951 c 269 § 27; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

Notes:

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.043 Cement trucks--Axle loading controls.

Applicable Cases

The switch that controls the raising and lowering of the retractable rear booster or tag axle on a ready-mix cement truck may be located within the reach of the driver's compartment as long as the variable control, used to adjust axle loadings by regulating air pressure or by other means, is out of the reach of the driver's compartment.

[1994 c 305 § 1.]

RCW 46.44.047 Excess weight--Logging trucks--Special permits--County or city permits--Fees--Discretion of arresting officer.

Applicable Cases

A three axle truck tractor and a two axle pole trailer combination engaged in the operation of hauling logs may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles when licensed, as permitted by law, for sixty-eight thousand pounds: PROVIDED, That the distance between the first and last axle of the vehicles in combination shall have a total wheelbase of not less than thirty-seven feet, and the weight upon two axles spaced less than seven feet apart shall not exceed thirty-three thousand six hundred pounds.

Such additional allowances shall be permitted by a special permit to be issued by the department of transportation valid only on state primary or secondary highways authorized by the department and under such rules, regulations, terms, and conditions prescribed by the department. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time, but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third offense within the duration of the permit for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit, a fee of fourteen dollars shall be charged for each such duplicate issued or each such transfer.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the county legislative authority which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and

shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm, or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or the county legislative authority shall be subject to the penalties prescribed by RCW 46.44.105. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the department, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

[1994 c 172 § 1; 1979 ex.s. c 136 § 74; 1975-'76 2nd ex.s. c 64 § 11; 1973 1st ex.s. c 150 § 2; 1971 ex.s. c 249 § 2; 1961 ex.s. c 21 § 35; 1961 c 12 § 46.44.047. Prior: 1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.049 Effect of weight on highways--Study authorized.

Applicable Cases

The department of transportation may make and enter into agreements with the federal government or any state or group of states or agencies thereof, or any nonprofit association, on a joint or cooperative basis, to study, analyze, or test the effects of weight on highway construction. The studies or tests may be made either by designating existing highways or the construction of test strips including natural resource roads to the end that a proper solution of the many problems connected with the imposition on highways of motor vehicle weights may be determined.

The studies may include the determination of values to be assigned various highway-user groups according to their gross weight or use.

[1984 c 7 § 54; 1961 c 12 § 46.44.049. Prior: 1951 c 269 § 47.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.44.050 Minimum length of wheelbase.

Applicable Cases

It shall be unlawful to operate any vehicle upon public highways with a wheelbase between any two axles thereof of less than three feet, six inches when weight exceeds that allowed for one axle under RCW 46.44.042 or 46.44.041. It shall be unlawful to operate any motor vehicle upon the public highways of this state with a wheelbase between the frontmost axle and the rearmost axle of less than three feet, six inches: PROVIDED, That the minimum

wheelbase for mopeds is thirty-eight inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

[1979 ex.s. c 213 § 7; 1975-'76 2nd ex.s. c 64 § 12; 1961 c 12 § 46.44.050. Prior: 1941 c 116 § 3; 1937 c 189 § 51; Rem. Supp. 1941 § 6360-51; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; RRS § 6362-8, part.]

Notes:

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.060 Outside load limits for passenger vehicles.

Applicable Cases

No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

[1961 c 12 § 46.44.060. Prior: 1937 c 189 § 52; RRS § 6360-52; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part.]

RCW 46.44.070 Drawbar requirements--Trailer whipping or weaving--Towing flag.

Applicable Cases

The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve inches square.

[1961 c 12 § 46.44.070. Prior: 1937 c 189 § 53; RRS § 6360-53; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part; 1923 c 181 § 4, part.]

RCW 46.44.080 Local regulations--State highway regulations.

Applicable Cases

Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: PROVIDED, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: PROVIDED FURTHER, That the governing authorities of

incorporated cities and towns shall not prohibit the use of any city street designated by the transportation commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the department of transportation.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The department shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways. The department shall give public notice of closure or restriction. The department may issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage.

[1977 ex.s. c 151 § 29; 1973 2nd ex.s. c 15 § 1; 1961 c 12 § 46.44.080. Prior: 1937 c 189 § 54; RRS § 6360-54.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Highway and street closures authorized--Notice: Chapter 47.48 RCW.

RCW 46.44.090 Special permits for oversize or overweight movements.

Applicable Cases

The department of transportation, pursuant to rules adopted by the transportation commission with respect to state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

[1977 ex.s. c 151 § 30; 1975-'76 2nd ex.s. c 64 § 13; 1961 c 12 § 46.44.090. Prior: 1951 c 269 § 34; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.091 Special permits--Gross weight limit.

Applicable Cases

(1) Except as otherwise provided in subsections (3) and (4) of this section, no special

permit shall be issued for movement on any state highway or route of a state highway within the limits of any city or town where the gross weight, including load, exceeds the following limits:

(a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

(b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;

(c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;

(d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;

(e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.

(2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.

(3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more and specially designed vehicles manufactured and certified for special permits prior to July 1, 1975.

(4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways or sections of highways which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

(5) Permits may be issued for the operation of fire trucks on the public highways if the maximum gross weight on any single axle does not exceed twenty-four thousand pounds and the gross weight on any tandem axle does not exceed forty-three thousand pounds.

(6) Application shall be made in writing on special forms provided by the department of transportation and shall be submitted at least thirty-six hours in advance of the proposed movement. An application for a special permit for a gross weight of any combination of vehicles

exceeding two hundred thousand pounds shall be submitted in writing to the department of transportation at least thirty days in advance of the proposed movement.

[1989 c 52 § 1; 1977 ex.s. c 151 § 31; 1975-'76 2nd ex.s. c 64 § 14; 1975 1st ex.s. c 168 § 1; 1969 ex.s. c 281 § 30; 1961 c 12 § 46.44.091. Prior: 1959 c 319 § 28; 1953 c 254 § 12; 1951 c 269 § 35; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--1975 1st ex.s. c 168: "This 1973 [1975] amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 168 § 4.]

RCW 46.44.092 Special permits--Overall width limits, exceptions--Application for permit.

Applicable Cases

Special permits may not be issued for movements on any state highway outside the limits of any city or town in excess of the following widths:

On two-lane highways, fourteen feet;

On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet;

On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.

These limits apply except under the following conditions:

(1) In the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Controlled vehicular traffic shall be maintained in one direction at all times; (b) the maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the department of transportation, pursuant to general rules adopted by the transportation commission, determines a hardship would result, this limitation may be exceeded upon approval of the department of transportation; (c) prior to issuing a permit a qualified transportation department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made;

(2) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations;

(3) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655;

(4) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: PROVIDED FURTHER, That in the judgment of the department of transportation the structures and highway surfaces on the routes involved are capable of sustaining widths in excess of such limitation;

(5) These limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed eighty thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the department of transportation or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

[1989 c 398 § 2; 1981 c 63 § 1; 1977 ex.s. c 151 § 32; 1975-'76 2nd ex.s. c 64 § 15; 1970 ex.s. c 9 § 1; 1969 ex.s. c 281 § 60; 1965 ex.s. c 170 § 39; 1963 ex.s. c 3 § 54; 1961 c 12 § 46.44.092. Prior: 1959 c 319 § 29; 1955 c 146 § 2; 1951 c 269 § 36; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.093 Special permits--Discretion of issuer--Conditions.

Applicable Cases

The department of transportation or the local authority is authorized to issue or withhold such special permit at its discretion, although where a mobile home is being moved, the verification of a valid license under chapter 46.70 RCW as a mobile home dealer or manufacturer, or under chapter 46.76 RCW as a transporter, shall be done by the department or local government. If the permit is issued, the department or local authority may limit the number of trips, establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise limit or prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces, or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

[1988 c 239 § 3; 1984 c 7 § 55; 1961 c 12 § 46.44.093. Prior: 1951 c 269 § 37; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.44.0941 Special permits--Fees.

Applicable Cases

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip.	\$ 10.00
Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days.	\$ 20.00
Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days.	\$ 10.00
Continuous operation of a combination of vehicles having one trailing unit that exceeds fifty-three feet and is not more than fifty-six feet in length, for a period of one year.	\$ 100.00
Continuous operation of a combination of vehicles having two trailing units which together exceed sixty-one feet and are not more than sixty-eight feet in length, for a period of one year.	\$ 100.00
Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days.	\$ 70.00
Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days.	\$ 90.00
Continuous movement of a mobile home or manufactured home having nonreducible features not to exceed eighty-five feet in total length and fourteen feet in width, for a period of one year.	\$ 150.00
Continuous operation of a two or three-axle collection truck, actually engaged in the	

collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system. \$ 42.00
per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities, for any three-month period. \$ 10.00
- (2) Farmers in the course of farming activities, for a period not to exceed one year. \$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year. \$ 100.00

Overweight Fee Schedule

Excess weight over legal capacity, as provided in RCW 46.44.041.	Cost per mile.
0- 9,999 pounds	\$.07
10,000-14,999 pounds	\$.14
15,000-19,999 pounds	\$.21
20,000-24,999 pounds	\$.28

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25,000-29,999 pounds	\$.35
30,000-34,999 pounds	\$.49
35,000-39,999 pounds	\$.63
40,000-44,999 pounds	\$.79
45,000-49,999 pounds	.....	\$ .93
50,000-54,999 pounds	.....	\$ 1.14
55,000-59,999 pounds	.....	\$ 1.35
60,000-64,999 pounds	.....	\$ 1.56
65,000-69,999 pounds	.....	\$ 1.77
70,000-74,999 pounds	.....	\$ 2.12
75,000-79,999 pounds	.....	\$ 2.47
80,000-84,999 pounds	.....	\$ 2.82
85,000-89,999 pounds	.....	\$ 3.17
90,000-94,999 pounds	.....	\$ 3.52
95,000-99,999 pounds	.....	\$ 3.87
100,000 pounds	.....	\$ 4.25

The fee for weights in excess of 100,000 pounds is \$4.25 plus fifty cents for each 5,000 pound increment or portion thereof exceeding 100,000 pounds.

PROVIDED: (a) The minimum fee for any overweight permit shall be \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

[1995 c 171 § 2. Prior: 1994 c 172 § 2; 1994 c 59 § 1; 1993 c 102 § 4; 1990 c 42 § 107; 1989 c 398 § 1; 1985 c 351 § 5; 1983 c 278 § 3; 1979 ex.s. c 113 § 5; 1975-'76 2nd ex.s. c 64 § 16; 1975 1st ex.s. c 168 § 2; 1973 1st ex.s. c 1 § 3; 1971 ex.s. c 248 § 3; 1967 c 174 § 8; 1965 c 137 § 2.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--1975 1st ex.s. c 168: See note following RCW 46.44.091.

RCW 46.44.095 Temporary additional tonnage permits--Fees.

Applicable Cases

When a combination of vehicles has been licensed to a total gross weight of 80,000 pounds or when a three or more axle single unit vehicle has been licensed to a total gross weight

of 40,000 pounds, a temporary additional tonnage permit to haul loads in excess of these limits may be issued. This permit is valid for periods of not less than five days at two dollars and eighty cents per day for each two thousand pounds or fraction thereof. The fee may not be prorated. The permits shall authorize the movement of loads not exceeding the weight limits set forth in RCW 46.44.041 and 46.44.042.

[1993 c 102 § 5; 1990 c 42 § 108; 1989 c 398 § 3; 1988 c 55 § 1; 1983 c 68 § 2; 1979 c 158 § 159; 1977 ex.s. c 151 § 33; 1975-'76 2nd ex.s. c 64 § 17; 1974 ex.s. c 76 § 1; 1973 1st ex.s. c 150 § 3; 1969 ex.s. c 281 § 55; 1967 ex.s. c 94 § 15; 1967 c 32 § 51; 1965 ex.s. c 170 § 38; 1961 ex.s. c 7 § 15; 1961 c 12 § 46.44.095. Prior: 1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.096 Special permits--Determining fee--To whom paid.

Applicable Cases

In determining fees according to RCW 46.44.0941, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of transportation, and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Special permits issued under RCW 46.44.047, 46.44.0941, or 46.44.095, may be obtained from offices of the department of transportation, ports of entry, or other agents appointed by the department.

The department may appoint agents for the purposes of selling special motor vehicle permits, temporary additional tonnage permits, and log tolerance permits. Agents so appointed may retain three dollars and fifty cents for each permit sold to defray expenses incurred in handling and selling the permits. If the fee is collected by the department of transportation, the department shall certify the fee so collected to the state treasurer for deposit to the credit of the motor vehicle fund.

The department may select a third party contractor, by means of competitive bid, to perform the department's permit issuance function, as provided under RCW 46.44.090. Factors the department shall consider, but is not limited to, in the selection of a third party contractor are economic benefit to both the department and the motor carrier industry, and enhancement of the overall level of permit service. For purposes of this section, "third party contractor" means a business entity that is authorized by the department to issue special permits. The transportation commission may adopt rules specifying the criteria that a business entity must meet in order to

qualify as a third party contractor under this section.

Fees established in RCW 46.44.0941 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets, or highways for which that political body is responsible. When a movement involves a combination of state highways, county roads, and/or city streets the fee shall be paid to the state department of transportation. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing that the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

[1996 c 92 § 1; 1993 c 102 § 6; 1989 c 398 § 4; 1984 c 7 § 56; 1975-'76 2nd ex.s. c 64 § 18; 1971 ex.s. c 248 § 4; 1969 ex.s. c 281 § 31; 1961 c 12 § 46.44.096. Prior: 1955 c 185 § 2; 1951 c 269 § 40; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.098 Increase in federal limits on sizes and weights--Increases by commission.

Applicable Cases

If the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state department of transportation may authorize the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in RCW 46.44.041, or as provided in RCW 46.44.010 and 46.44.037. The permitted increases shall not in any way exceed the federal limits which would jeopardize the state's allotment of federal funds.

[1984 c 7 § 57; 1975-'76 2nd ex.s. c 64 § 19; 1965 c 38 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.105 Enforcement procedures--Penalties--Rules.

Applicable Cases

(1) Violation of any of the provisions of this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each pound overweight, as follows:

(a) One pound through four thousand pounds overweight is three cents for each pound;

(b) Four thousand one pounds through ten thousand pounds overweight is one hundred twenty dollars plus twelve cents per pound for each additional pound over four thousand pounds overweight;

(c) Ten thousand one pounds through fifteen thousand pounds overweight is eight hundred forty dollars plus sixteen cents per pound for each additional pound over ten thousand pounds overweight;

(d) Fifteen thousand one pounds through twenty thousand pounds overweight is one thousand six hundred forty dollars plus twenty cents per pound for each additional pound over fifteen thousand pounds overweight;

(e) Twenty thousand one pounds and more is two thousand six hundred forty dollars plus thirty cents per pound for each additional pound over twenty thousand pounds overweight.

Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section or the additional penalty assessed in subsection (2) of this section, except as provided for the first violation, be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the

driver of a bus as defined in RCW 46.32.005(2) or a vehicle with a gross vehicle or combination weight not over sixteen thousand pounds and not transporting hazardous materials in accordance with RCW 46.32.005(3), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "overweight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under subsections (1) and (2) of this section, the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended

or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

[1999 c 23 § 1; 1996 c 92 § 2; 1993 c 403 § 4; 1990 c 217 § 1; 1985 c 351 § 6; 1984 c 258 § 327; 1984 c 7 § 58; 1979 ex.s. c 136 § 75; 1975-'76 2nd ex.s. c 64 § 23.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

RCW 46.44.110 Liability for damage to highways, bridges, etc.

Applicable Cases

Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, or elevated structure may sustain as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law. This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage to any public highway, bridge, or elevated structure sustained as the result of any negligent operation thereof. When the operator is not the owner of the vehicle, object, or

contrivance but is operating or moving it with the express or implied permission of the owner, the owner and the operator are jointly and severally liable for any such damage. Such damage to any state highway or structure may be recovered in a civil action instituted in the name of the state of Washington by the department of transportation. Any measure of damage to any public highway determined by the department of transportation by reason of this section is prima facie the amount of damage caused thereby and is presumed to be the amount recoverable in any civil action therefor.

[1984 c 7 § 59; 1961 c 12 § 46.44.110. Prior: 1937 c 189 § 57; RRS 6360-57.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.44.120 Liability of owner, others, for violations.

Applicable Cases

Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, the owner or lessee of any motor vehicle involved in such act or omission is responsible therefor. Any person knowingly and intentionally participating in creating an unlawful condition of use, is also subject to the penalties provided in this chapter for such unlawful act or omission.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or lessee of the vehicle, such person is fully authorized to accept the citation and execute the promise to appear on behalf of the owner or lessee.

[1980 c 104 § 2; 1971 ex.s. c 148 § 1; 1969 ex.s. c 69 § 1.]

RCW 46.44.130 Farm implements--Gross weight and size limitation exception--Penalty.

Applicable Cases

The limitations of RCW 46.44.010, 46.44.020, 46.44.030, and 46.44.041 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, a total length of seventy feet or less, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed, and at a time of day in accordance with rules hereby authorized to be adopted by the department of transportation and the statutes. Violation of a rule adopted by the department as authorized by this section or a term of this section is a traffic infraction.

[1979 ex.s. c 136 § 76; 1975-'76 2nd ex.s. c 64 § 20; 1975 1st ex.s. c 168 § 3; 1973 1st ex.s. c 1 § 1.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective dates--Severability--1975-'76 2nd ex.s. c 64: See notes following RCW 46.16.070.

Effective date--1975 1st ex.s. c 168: See note following RCW 46.44.091.

RCW 46.44.140 Farm implements--Special permits--Penalty.

Applicable Cases

In addition to any other special permits authorized by law, special permits may be issued by the department of transportation for a quarterly or annual period upon such terms and

conditions as it finds proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements that may be identified by rule of the department of transportation. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved, and such movement must be patrolled, flagged, lighted, signed, at a time of day, and otherwise in accordance with rules hereby authorized to be adopted by the department of transportation for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement, and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the department of transportation.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The department shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, of a rule adopted by the department of transportation as authorized by this section, or of a term of this section is a traffic infraction.

[1984 c 7 § 60; 1979 ex.s. c 136 § 77; 1973 1st ex.s. c 1 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.44.150 Highway improvement vehicles--Gross weight limit excesses authorized--Limitations.

Applicable Cases

The state, county, or city authority having responsibility for the reconstruction or improvement of any public highway may, subject to prescribed conditions and limitations, authorize vehicles employed in such highway reconstruction or improvement to exceed the gross weight limitations contained in RCW 46.44.041 and 46.44.042 without a special permit or additional fees as prescribed by chapter 46.44 RCW, but only while operating within the boundaries of project limits as defined in the public works contract or plans.

[1983 c 3 § 121; 1975 1st ex.s. c 63 § 1.]

RCW 46.44.170 Mobile home movement special permit and decal--Certification of taxes paid--License plates--Rules.

Applicable Cases

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home being moved have been satisfied. Further, any mobile home required to have a special movement permit under this section shall display an easily recognizable decal: PROVIDED, That endorsement or certification by the county treasurer and the display of said decal is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or the agent to obtain such endorsement from the county treasurer and said decal.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section.

[1986 c 211 § 4. Prior: 1985 c 395 § 1; 1985 c 22 § 1; 1980 c 152 § 1; 1977 ex.s. c 22 § 2.]

Notes:

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.173 Notice to treasurer and assessor of county where mobile home to be located.

Applicable Cases

(1) Upon validation of a special permit as provided in RCW 46.44.170, the county treasurer shall forward notice of movement of the mobile home to the treasurer's own county assessor and to the county assessor of the county in which the mobile home will be located.

(2) When a single trip special permit not requiring tax certification is issued, the department of transportation or the local authority shall notify the assessor of the county in which the mobile home is to be located. When a continuous trip special permit is used to transport a mobile home not requiring tax certification, the transporter shall notify the assessor of the county in which the mobile home is to be located. Notification is not necessary when the destination of a mobile home is a manufacturer, distributor, retailer, or location outside the state.

(3) A notification under this section shall state the specific, residential destination of the mobile home.

[1984 c 7 § 61; 1977 ex.s. c 22 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.175 Penalties--Hearing.

Applicable Cases

Failure of any person or agent acting for a person who causes to be moved or moves a mobile home as defined in RCW 46.04.302 upon public highways of this state and failure to comply with any of the provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a penalty of not less than one hundred dollars or more than five hundred dollars shall be assessed. In addition to the above penalty, the department of transportation or local authority may withhold issuance of a special permit or suspend a continuous special permit as provided by RCW 46.44.090 and 46.44.093 for a period of not less than thirty days.

Any person who shall alter, reuse, transfer, or forge the decal required by RCW 46.44.170, or who shall display a decal knowing it to have been forged, reused, transferred, or altered, shall be guilty of a gross misdemeanor.

Any person or agent who is denied a special permit or whose special permit is suspended may upon request receive a hearing before the department of transportation or the local authority having jurisdiction. The department or the local authority after such hearing may revise its previous action.

[1995 c 38 § 11; 1994 c 301 § 15; 1985 c 22 § 2; 1979 ex.s. c 136 § 78; 1977 ex.s. c 22 § 4.]

Notes:

Acts of municipal officers ratified and confirmed--1995 c 38: See note following RCW 3.02.045.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1977 ex.s. c 22: See note following RCW 46.04.302.

RCW 46.44.180 Operation of mobile home pilot vehicle without insurance unlawful--Amounts--Exception--Penalty.

Applicable Cases

(1) It is unlawful for a person, other than an employee of a dealer or other principal licensed to transport mobile homes within this state acting within the course of employment with the principal, to operate a pilot vehicle accompanying a mobile home, as defined in RCW 46.04.302, being transported on the public highways of this state, without maintaining insurance for the pilot vehicle in the minimum amounts of:

(a) One hundred thousand dollars for bodily injury to or death of one person in any one accident;

(b) Three hundred thousand dollars for bodily injury to or death of two or more persons in any one accident; and

(c) Fifty thousand dollars for damage to or destruction of property of others in any one accident.

(2) Satisfactory evidence of the insurance shall be carried at all times by the operator of the pilot vehicle, which evidence shall be displayed upon demand by a police officer.

(3) Failure to maintain the insurance as required by this section is a gross misdemeanor. Failure to carry or disclose the evidence of the insurance is a misdemeanor.

[1980 c 153 § 3.]

Chapter 46.48 RCW
TRANSPORTATION OF HAZARDOUS MATERIALS

RCW

- 46.48.170 State patrol authority--Rules and regulations.
- 46.48.175 Rules--Penalties--Responsibility for compliance.
- 46.48.180 State patrol study to insure uniformity of regulations.
- 46.48.185 Inspections.
- 46.48.200 Radioactive waste--Additional ports of entry.

Notes:

Hazardous materials incident command agency, state patrol as: RCW 70.136.030.

RCW 46.48.170 State patrol authority--Rules and regulations.

Applicable Cases

The Washington state patrol acting by and through the chief of the Washington state patrol shall have the authority to adopt and enforce the regulations promulgated by the United States department of transportation, Title 49 CFR parts 100 through 199, transportation of hazardous materials, as these regulations apply to motor carriers. "Motor carrier" means any person engaged in the transportation of passengers or property operating interstate and intrastate upon the public highways of this state, except farmers. The chief of the Washington state patrol shall confer with the emergency management council under RCW 38.52.040 and may make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. The chief of the Washington state patrol shall establish such additional rules not inconsistent with Title 49 CFR parts 100 through 199, transportation of hazardous materials, which for compelling reasons make necessary the reduction of risk associated with the transportation of hazardous materials. No such rules may lessen a standard of care; however, the chief of the Washington state patrol may, after conferring with the emergency management council, establish a rule imposing a more stringent standard of care. The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through *46.48.190.

[1988 c 81 § 19; 1980 c 20 § 1; 1961 c 12 § 46.48.170. Prior: 1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.]

Notes:

***Reviser's note:** RCW 46.48.190 was repealed by 1988 c 81 § 20.

RCW 46.48.175 Rules--Penalties--Responsibility for compliance.

Applicable Cases

Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 or 81.80.290 pertaining to vehicle equipment on motor carriers transporting hazardous material shall be a misdemeanor.

Bail for such a violation shall be set at a minimum of one hundred dollars. The fine for such a violation shall be not less than two hundred dollars nor more than five hundred dollars. Compliance with the provisions of this chapter is the primary responsibility of the owner or lessee of the vehicle or any vehicle used in combination that is cited in the violation.

[1980 c 104 § 1; 1961 c 12 § 46.48.175. Prior: 1951 c 102 § 2.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.48.180 State patrol study to insure uniformity of regulations.

Applicable Cases

The Washington state patrol shall make a study of the United States department of transportation regulations pertaining to Title 49 CFR, parts 100 through 199, and the laws of this state pertaining to the same subject in order that the chief of the Washington state patrol may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the laws and regulations of the federal government and this state in regard to the transportation of such materials.

[1980 c 20 § 2; 1961 c 12 § 46.48.180. Prior: 1949 c 101 § 2; Rem. Supp. 1949 § 6360-63b.]

RCW 46.48.185 Inspections.

Applicable Cases

The chief of the Washington state patrol shall direct the necessary qualified personnel to inspect the cargo of any motor carriers vehicle transporting hazardous material, inspect for proper securing, and inspect for the combined loading of cargo which would be inconsistent with the provisions of Title 49 CFR, parts 100 through 199. Authorized personnel inspecting loads of hazardous material shall do so in the presence of a representative of the motor carrier. Seal and locking devices may be removed as necessary to facilitate the inspection. The seals or locking devices removed shall be replaced by the Washington state patrol with a written form approved by the chief to certify seal or locking device removal for inspection of the cargo.

[1980 c 20 § 3.]

RCW 46.48.200 Radioactive waste--Additional ports of entry. (*Contingent expiration date.*)

Applicable Cases

Any additional ports of entry for highway transportation of radioactive waste materials other than those designated by WAC 446-50-040 as filed on December 11, 1979, must be authorized by the state legislature. This section shall expire when both the Washington state legislature and at least one other eligible state enact an interstate agreement on radioactive materials transportation management.

[1987 c 86 § 1.]

Chapter 46.52 RCW
ACCIDENTS--REPORTS--ABANDONED VEHICLES

RCW

- 46.52.010 Duty on striking unattended car or other property--Penalty.
- 46.52.020 Duty in case of injury to or death of person or damage to attended vehicle or other property--Penalty.
- 46.52.030 Accident reports.
- 46.52.035 Accident reports--Suspension of license or permit for failure to make report.
- 46.52.040 Accident reports--Report when operator disabled.
- 46.52.050 Coroner's reports to sheriff and state patrol.
- 46.52.060 Tabulation and analysis of reports--Availability for use.
- 46.52.065 Blood samples to state toxicologist--Analysis--Availability, admissibility of reports.
- 46.52.070 Police officer's report.
- 46.52.080 Confidentiality of reports--Information required to be disclosed--Evidence.
- 46.52.083 Confidentiality of reports--Availability of factual data to interested parties.
- 46.52.085 Confidentiality of reports--Fee for written information.
- 46.52.088 Reports--False information.
- 46.52.090 Reports of major repairs, etc.--Violations, penalties--Rules--Exceptions for older vehicles.
- 46.52.100 Record of traffic charges--Reports of court--District court venue--Driving under influence of liquor or drugs.
- 46.52.101 Records of traffic charges, dispositions.
- 46.52.120 Case record of convictions and infractions--Cross-reference to accident reports.
- 46.52.130 Abstract of driving record--Access--Fees--Penalty.
- 46.52.190 Abandoned vehicles or hulks--Impoundment--Notification--Hearing--Liability for charges--Nonpayment penalty.

Notes:

Abandoned, unauthorized vehicles generally: Chapter 46.55 RCW.

Hulk haulers and scrap processors: Chapter 46.79 RCW.

Removal of certain vehicles from roadway: RCW 46.55.113, 46.55.115, 46.61.590.

Vehicle wreckers: Chapter 46.80 RCW.

RCW 46.52.010 Duty on striking unattended car or other property--Penalty.

Applicable Cases

The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property

fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. Any person violating the provisions of this section is guilty of a misdemeanor.

[1979 ex.s. c 136 § 79; 1961 c 12 § 46.52.010. Prior: 1937 c 189 § 133; RRS § 6360-133; 1927 c 309 § 50, part; RRS § 6362-50, part.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person violating duty on striking unattended vehicle or other property: RCW 10.31.100.

RCW 46.52.020 Duty in case of injury to or death of person or damage to attended vehicle or other property--Penalty.

Applicable Cases

(1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person or damage to other property shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subsection (3) of this section; every such stop shall be made without obstructing traffic more than is necessary.

(3) Unless otherwise provided in subsection (7) of this section the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person or damage to other property shall give his name, address, insurance company, insurance policy number, and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident.

(4) Any driver covered by the provisions of subsection (1) of this section failing to stop or comply with any of the requirements of subsection (3) of this section under said circumstances

shall be guilty of a class C felony and, upon conviction, be punished pursuant to RCW 9A.20.020: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(5) Any driver covered by the provisions of subsection (2) of this section failing to stop or to comply with any of the requirements of subsection (3) of this section under said circumstances shall be guilty of a gross misdemeanor: PROVIDED, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith.

(6) The license or permit to drive or any nonresident privilege to drive of any person convicted under this section or any local ordinance consisting of substantially the same language as this section of failure to stop and give information or render aid following an accident with any vehicle driven or attended by any person shall be revoked by the department.

(7) If none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (3) of this section, and no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections (1) and (3) of this section insofar as possible on his part to be performed, shall forthwith report such accident to the nearest office of the duly authorized police authority and submit thereto the information specified in subsection (3) of this section.

[1990 c 210 § 2; 1980 c 97 § 1; 1979 ex.s. c 136 § 80; 1975-'76 2nd ex.s. c 18 § 1. Prior: 1975 1st ex.s. c 210 § 1; 1975 c 62 § 14; 1967 c 32 § 53; 1961 c 12 § 46.52.020; prior: 1937 c 189 § 134; RRS § 6360-134; 1927 c 309 § 50, part; RRS § 6362-50, part.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1980 c 97: "This 1980 act shall take effect on July 1, 1980." [1980 c 97 § 3.]

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1975 c 62: See note following RCW 36.75.010.

Arrest of person violating duty in case of injury to or death of person or damage to attended vehicle: RCW 10.31.100.

RCW 46.52.030 Accident reports.

Applicable Cases

(1) Unless a report is to be made by a law enforcement officer under subsection (3) of this section, the driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with subsection (5) of this section, shall, within four days after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns. Nothing in this subsection prohibits accident reports from being filed by drivers where damage to property is less than the minimum amount or where a law enforcement officer has submitted a report.

(2) The original of the report shall be immediately forwarded by the authority receiving

the report to the chief of the Washington state patrol at Olympia, Washington. The Washington state patrol shall give the department of licensing full access to the report.

(3) Any law enforcement officer who investigates an accident for which a report is required under subsection (1) of this section shall submit an investigator's report as required by RCW 46.52.070.

(4) The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in the chief's opinion is insufficient, and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff, and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the circumstances, the conditions then existing, the persons and vehicles involved, the insurance information required under RCW 46.30.030, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked, legally standing, or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person.

(5) The chief of the Washington state patrol shall adopt rules establishing the accident-reporting threshold for property damage accidents. Beginning October 1, 1987, the accident-reporting threshold for property damage accidents shall be five hundred dollars. The accident-reporting threshold for property damage accidents shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision.

[1997 c 248 § 1; 1996 c 183 § 1; 1989 c 353 § 5; 1987 c 463 § 2; 1981 c 30 § 1; 1979 c 158 § 160; 1979 c 11 § 2. Prior: 1977 ex.s. c 369 § 2; 1977 ex.s. c 68 § 1; 1969 ex.s. c 40 § 2; 1967 c 32 § 54; 1965 ex.s. c 119 § 1; 1961 c 12 § 46.52.030; prior: 1943 c 154 § 1; 1937 c 189 § 135; RRS § 6360-135.]

Notes:

Effective date--1997 c 248: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 2, 1997]." [1997 c 248 § 2.]

Effective date--1996 c 183: "This act takes effect July 1, 1996." [1996 c 183 § 3.]

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.52.035 Accident reports--Suspension of license or permit for failure to make report.

Applicable Cases

The director may suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in RCW 46.52.030 until such report has been filed.

[1988 c 8 § 1; 1965 ex.s. c 119 § 2.]

RCW 46.52.040 Accident reports--Report when operator disabled.

Applicable Cases

Whenever the driver of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such driver shall make such report in the manner required by law.

[1967 c 32 § 55; 1961 c 12 § 46.52.040. Prior: 1937 c 189 § 136; RRS § 6360-136.]

RCW 46.52.050 Coroner's reports to sheriff and state patrol.

Applicable Cases

Every coroner or other official performing like functions shall on or before the tenth day of each month, report in writing to the sheriff of the county in which he holds office and to the chief of the Washington state patrol the death of any person within his jurisdiction during the preceding calendar month as a result of an accident involving any vehicle, together with the circumstances of such accident.

[1961 c 12 § 46.52.050. Prior: 1937 c 189 § 137; RRS § 6360-137.]

RCW 46.52.060 Tabulation and analysis of reports--Availability for use.

Applicable Cases

It shall be the duty of the chief of the Washington state patrol to file, tabulate, and analyze all accident reports and to publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of licensing, the department of transportation, the utilities and transportation commission, the traffic safety commission, and other public entities authorized by the chief of the Washington state patrol, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

[1998 c 169 § 1; 1979 c 158 § 161; 1977 c 75 § 67; 1967 c 32 § 56; 1961 c 12 § 46.52.060. Prior: 1937 c 189 § 138; RRS § 6360-138.]

RCW 46.52.065 Blood samples to state toxicologist--Analysis--Availability, admissibility of

reports.

Applicable Cases

Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential: PROVIDED, That the results of these analyses shall be reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: PROVIDED FURTHER, That the results of these analyses may be admitted in evidence in any civil or criminal action where relevant and shall be made available to the parties to any such litigation on application to the court.

[1977 ex.s. c 50 § 1; 1971 ex.s. c 270 § 1.]

RCW 46.52.070 Police officer's report.

Applicable Cases

(1) Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

(2) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a fatality; and (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator caused the collision.

(3) The police officer shall report to the department, on a form prescribed by the director: (a) When a collision has occurred that results in a serious injury; (b) the identity of the operator of a vehicle involved in the collision when the officer has reasonable grounds to believe the operator who caused the serious injury may not be competent to operate a motor vehicle; and (c) the reason or reasons for the officer's belief.

[1999 c 351 § 2; 1998 c 165 § 8; 1967 c 32 § 57; 1961 c 12 § 46.52.070. Prior: 1937 c 189 § 139; RRS § 6360-139.]

Notes:

Effective date--1998 c 165 §§ 8-14: "Sections 8 through 14 of this act take effect January 1, 1999." [1998 c 165 § 15.]

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.52.080 Confidentiality of reports--Information required to be disclosed--Evidence.

Applicable Cases

All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of licensing and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law: PROVIDED, That the reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of RCW 46.52.088.

[1979 c 158 § 162; 1975 c 62 § 15; 1967 c 32 § 58; 1965 ex.s. c 119 § 3; 1961 c 12 § 46.52.080. Prior: 1937 c 189 § 140; RRS § 6360-140.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.52.083 Confidentiality of reports--Availability of factual data to interested parties.

Applicable Cases

All of the factual data submitted in report form by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in RCW 46.52.080.

[1965 ex.s. c 119 § 4.]

RCW 46.52.085 Confidentiality of reports--Fee for written information.

Applicable Cases

Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee sufficient to meet, but not exceed, the costs incurred. All fees received by the Washington state patrol for such copies shall be deposited in the motor vehicle fund.

[1979 c 34 § 1; 1971 ex.s. c 91 § 5; 1965 ex.s. c 119 § 5.]

RCW 46.52.088 Reports--False information.

Applicable Cases

A person shall not give information in oral or written reports as required in chapter 46.52

RCW knowing that such information is false.

[1975 c 62 § 16.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.52.090 Reports of major repairs, etc.--Violations, penalties--Rules--Exceptions for older vehicles.

Applicable Cases

Any person, firm, corporation, or association engaged in the business of repairs of any kind to vehicles or any person, firm, corporation, or association which may at any time engage in any kind of major repair, restoration, or substantial alteration to a vehicle required to be licensed or registered under this title shall maintain verifiable records regarding the source of used major component parts used in such repairs, restoration, or alteration. Satisfactory records include but are not limited to personal identification of the seller if such parts were acquired from other than a *motor vehicle wrecker licensed under chapter 46.80 RCW, signed work orders, and bills of sale signed by the seller whose identity and address has been verified describing parts acquired, and the make, model, and vehicle identification number of a vehicle from which the following parts are removed: (1) Engines and short blocks, (2) frames, (3) transmissions and transfer cases, (4) cabs, (5) doors, (6) front or rear differentials, (7) front or rear clips, (8) quarter panels or fenders, (9) bumpers, (10) truck beds or boxes, (11) seats, and (12) hoods. Such records shall be kept for a period of four years and shall be made available for inspection by a law enforcement officer during ordinary business hours.

The acquisition of a part without a substantiating bill of sale or invoice from the parts supplier or failure to comply with any rules adopted under this section is a gross misdemeanor. Failure to obtain the vehicle identification number for those parts requiring that it be obtained is a gross misdemeanor. Failure to keep records for four years or to make such records available during normal business hours to a law enforcement officer is a gross misdemeanor.

The chief of the Washington state patrol shall adopt rules for the purpose of regulating record-keeping and parts acquisition by vehicle repairers, restorers, rebuilders, or those who perform substantial vehicle alterations. The provisions of this section do not apply to major repair, restoration, or alteration of a vehicle thirty years of age or older.

[1983 c 142 § 1; 1967 c 32 § 59; 1961 c 12 § 46.52.090. Prior: 1937 c 189 § 141; RRS § 6360-141.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

***Reviser's note:** "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

RCW 46.52.100 Record of traffic charges--Reports of court--District court venue--Driving under influence of liquor or drugs.

Applicable Cases

Notes:

Reviser's note: RCW 46.52.100 was amended by 1999 c 274 § 5 without reference to its repeal by 1999 c 86 § 8. It has been decodified for publication purposes under RCW 1.12.025.

RCW 46.52.101 Records of traffic charges, dispositions.

Applicable Cases

(1) Every district court, municipal court, and clerk of a superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by the court or its traffic violations bureau regarding the charge, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every traffic charge deposited with or presented to the court or traffic violations bureau. In the case of a record of a conviction for a violation of RCW 46.61.502 or 46.61.504, and notwithstanding any other provision of law, the court shall maintain the record permanently.

(2) Within fourteen days after the conviction, forfeiture of bail, or finding that a traffic infraction was committed for a violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, the clerk of the court in which the conviction was had, bail was forfeited, or the finding of commission was made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the court record covering the case. Report need not be made of a finding involving the illegal parking or standing of a vehicle.

(3) The abstract must be made upon a form or forms furnished by the director and must include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved if required by the director, the nature of the offense, the date of hearing, the plea, the judgment, whether the offense was an alcohol-related offense as defined in RCW 46.01.260(2), whether the incident that gave rise to the offense charged resulted in a fatality, whether bail was forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty, as the case may be.

(4) In courts where the judicial information system or other secure method of electronic transfer of information has been implemented between the court and the department of licensing, the court may electronically provide the information required in subsections (2), (3), and (5) of this section.

(5) The superior court clerk shall also forward a like report to the director upon the conviction of a person of a felony in the commission of which a vehicle was used.

(6) The director shall keep all abstracts received under this section at the director's office in Olympia. The abstracts must be open to public inspection during reasonable business hours.

(7) The officer, prosecuting attorney, or city attorney signing the charge or information in a case involving a charge of driving under the influence of intoxicating liquor or any drug shall

immediately request from the director an abstract of convictions and forfeitures. The director shall furnish the requested abstract.

[1999 c 86 § 4.]

RCW 46.52.120 Case record of convictions and infractions--Cross-reference to accident reports.

Applicable Cases

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident and whether or not the accident resulted in any fatality. The chief of the Washington state patrol shall furnish the index cross-reference record to the director, with reference to each driver involved in the reported accidents.

(2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be admitted into evidence in any court, except where relevant to the prosecution or defense of a criminal charge, or in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

(3) The director shall tabulate and analyze vehicle driver's case records and suspend, revoke, cancel, or refuse a vehicle driver's license to a person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. The director shall also suspend a person's driver's license if the person fails to attend or complete a driver improvement interview or fails to abide by conditions of probation under RCW 46.20.335. Whenever the director orders the vehicle driver's license of any such person suspended, revoked, or canceled, or refuses the issuance of a vehicle driver's license, such suspension, revocation, cancellation, or refusal is final and effective unless appeal from the decision of the director is taken as provided by law.

[1998 c 218 § 1; 1998 c 165 § 10; 1993 c 501 § 12; 1992 c 32 § 3; 1989 c 178 § 23; 1988 c 38 § 2; 1984 c 99 § 1; 1982 c 52 § 1; 1979 ex.s. c 136 § 83; 1977 ex.s. c 356 § 1; 1967 c 32 § 62; 1961 c 12 § 46.52.120. Prior: 1937 c 189 § 144; RRS § 6360-144.]

Notes:

Reviser's note: This section was amended by 1998 c 165 § 10 and by 1998 c 218 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.52.130 Abstract of driving record--Access--Fees--Penalty.

Applicable Cases

A certified abstract of the driving record shall be furnished only to the individual named in the abstract, an employer or prospective employer or an agent acting on behalf of an employer or prospective employer, the insurance carrier that has insurance in effect covering the employer or a prospective employer, the insurance carrier that has insurance in effect covering the named individual, the insurance carrier to which the named individual has applied, an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment, or city and county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years. Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract or to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; whether the accident resulted in any fatality; any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; and the status of the person's driving privilege in this state. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer. Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(b)(i).

The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall

show the deferred prosecution as well as the removal.

The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: (1) The employee or prospective employee that authorizes the release of the record, and (2) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

Any violation of this section is a gross misdemeanor.

[1998 c 165 § 11; 1997 c 66 § 12. Prior: 1996 c 307 § 4; 1996 c 183 § 2; 1994 c 275 § 16; 1991 c 243 § 1; 1989 c 178 § 24; prior: 1987 1st ex.s c 9 § 2; 1987 c 397 § 2; 1987 c 181 § 1; 1986 c 74 § 1; 1985 ex.s. c 1 § 11; 1979 ex.s. c 136 § 84; 1977 ex.s. c 356 § 2; 1977 ex.s. c 140 § 1; 1973 1st ex.s. c 37 § 1; 1969 ex.s. c 40 § 3; 1967 c 174 § 2; 1967 c 32 § 63; 1963 c 169 § 65; 1961 ex.s. c 21 § 27.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1998 c 165 §§ 8-14: See note following RCW 46.52.070.

Short title--1998 c 165: See note following RCW 43.59.010.

Effective date--1996 c 183: See note following RCW 46.52.030.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Severability--Effective date--1987 1st ex.s. c 9: See notes following RCW 46.29.050.

Intent--1987 c 397: See note following RCW 46.61.410.

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Effective date--1967 c 174: See note following RCW 46.29.050.

Abstract of driving record to be furnished: RCW 46.29.050.

Use of highway safety fund to defray cost of furnishing and maintaining driving records: RCW 46.68.060.

RCW 46.52.190 Abandoned vehicles or hulks--Impoundment--Notification--Hearing--Liability for charges--Nonpayment penalty.
Applicable Cases

Notes:

Reviser's note: RCW 46.52.190 was amended by 1987 c 202 § 215 without reference to its repeal by 1987 c 311 § 21. It has been decodified for publication purposes under RCW 1.12.025.

**Chapter 46.55 RCW
TOWING AND IMPOUNDMENT**

(Formerly Abandoned, unauthorized, and junk vehicles--Tow truck operators)
Definitions.

46.55.010

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- 46.55.030 Application--Contents, bond, insurance, fee, certificate.
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IMPOUNDING UNAUTHORIZED VEHICLES

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JUNK VEHICLE DISPOSITION

- 46.55.230 Junk vehicles--Removal, disposal, sale.

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- 46.55.240 Local ordinances--Requirements.

MISCELLANEOUS

- 46.55.900 Severability--1985 c 377.
- 46.55.901 Headings not part of law.
- 46.55.902 Effective date--1985 c 377.
- 46.55.910 Chapter not applicable to certain activities of department of transportation.

Notes:

Removal of unattended vehicle from highway: RCW 46.61.590.

Riding in towed vehicles: RCW 46.61.625.

Safety chains for towing: RCW 46.37.495.

Size, weight, and load exemptions for tow trucks: RCW 46.44.015.

RCW 46.55.010 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for one hundred twenty consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon

which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.420.

(9) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(10) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(11) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(12) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(13) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately

(ii) On a highway and tagged as described in RCW 46.55.085 24 hours

- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

[1999 c 398 § 2; 1998 c 203 § 8; 1994 c 176 § 1; 1991 c 292 § 1; 1989 c 111 § 1. Prior: 1987 c 330 § 739; 1987 c 311 § 1; 1985 c 377 § 1.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

TOW TRUCK OPERATORS--REGISTRATION REQUIREMENTS

RCW 46.55.020 Registration required--Penalty.

Applicable Cases

A person shall not engage in or offer to engage in the activities of a registered tow truck operator without a current registration certificate from the department of licensing authorizing him to engage in such activities. Any person engaging in or offering to engage in the activities of a registered tow truck operator without the registration certificate required by this chapter is guilty of a gross misdemeanor.

A registered operator who engages in a business practice that is prohibited under this chapter may be issued a notice of traffic infraction under chapter 46.63 RCW and is also subject to the civil penalties that may be imposed by the department under this chapter. A person found to have committed an offense that is a traffic infraction under this chapter is subject to a monetary penalty of at least two hundred fifty dollars. All traffic infractions issued under this chapter shall be under the jurisdiction of the district court in whose jurisdiction they were issued.

[1989 c 111 § 2; 1985 c 377 § 2.]

RCW 46.55.025 Registration or insurance required--Penalty.

Applicable Cases

A vehicle engaging in the business of recovery of disabled vehicles for monetary compensation, from or on a public road or highway must either be operated by a registered tow truck operator, or someone who at a minimum has insurance in a like manner and amount as prescribed in RCW 46.55.030(3), and have had their tow trucks inspected in a like manner as prescribed by RCW 46.55.040(1). The department shall adopt rules to enforce this section. Failure to comply with this section is a class 1 civil infraction punishable under RCW 7.80.120.

[1995 c 360 § 2.]

RCW 46.55.030 Application--Contents, bond, insurance, fee, certificate.

Applicable Cases

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or an agent, and shall include the following information:

(a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;

(b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;

(c) The names and addresses of all employees who serve as tow truck drivers;

(d) Proof of minimum insurance required by subsection (3) of this section;

(e) The vehicle license and vehicle identification numbers of all tow trucks of which the applicant is the registered owner;

(f) Any other information the department may require; and

(g) A certificate of approval from the Washington state patrol certifying that:

(i) The applicant has an established place of business and that mail is received at the address shown on the application;

(ii) The address of any storage locations where vehicles may be stored is correctly stated on the application;

(iii) The place of business has an office area that is accessible to the public without entering the storage area; and

(iv) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or

cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

[1989 c 111 § 3; 1987 c 311 § 2; 1985 c 377 § 3.]

RCW 46.55.035 Prohibited acts--Penalty.

Applicable Cases

(1) No registered tow truck operator may:

(a) Except as authorized under RCW 46.55.037, ask for or receive any compensation, gratuity, reward, or promise thereof from a person having control or possession of private property or from an agent of the person authorized to sign an impound authorization, for or on account of the impounding of a vehicle;

(b) Be beneficially interested in a contract, agreement, or understanding that may be made by or between a person having control or possession of private property and an agent of the person authorized to sign an impound authorization;

(c) Have a financial, equitable, or ownership interest in a firm, partnership, association, or corporation whose functions include acting as an agent or a representative of a property owner for the purpose of signing impound authorizations.

(2) This section does not prohibit the registered tow truck operator from collecting the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing of an impounded vehicle as provided by RCW 46.55.120.

(3) A violation of this section is a gross misdemeanor.

[1992 c 18 § 1; 1989 c 111 § 4.]

Notes:

Riding in towed vehicles: RCW 46.61.625.

Safety chains for towing: RCW 46.37.495.

RCW 46.55.037 Compensation for private impounds.

Applicable Cases

A registered tow truck operator may receive compensation from a private property owner or agent for a private impound of an unauthorized vehicle that has an approximate fair market value equal only to the approximate value of the scrap in it. The private property owner or an agent must authorize the impound under RCW 46.55.080. The registered tow truck operator shall process the vehicle in accordance with this chapter and shall deduct any compensation received from the private property owner or agent from the amount of the lien on the vehicle in accordance with this chapter.

[1992 c 18 § 2.]

RCW 46.55.040 Permit required--Inspections of equipment and facilities.

Applicable Cases

(1) A registered operator shall apply for and keep current a tow truck permit for each tow truck of which the operator is the registered owner. Application for a tow truck permit shall be accompanied by a report from the Washington state patrol covering a physical inspection of each tow truck capable of being used by the applicant.

(2) Upon receipt of the fee provided in RCW 46.55.030(4) and a satisfactory inspection report from the state patrol, the department shall issue each tow truck an annual tow truck permit or decal. The class of the tow truck, determined according to RCW 46.55.050, shall be stamped on the permit or decal. The permit or decal shall be displayed on the passenger side of the truck's front windshield.

(3) A tow truck number from the department shall be affixed in a permanent manner to each tow truck.

(4) The Washington state patrol shall conduct annual inspections of tow truck operators' equipment and facilities during the operators' normal business hours. Unscheduled inspections may be conducted without notice at the operator's place of business by an inspector to determine the fitness of a tow truck or facilities. At the time of the inspection, the operator shall provide a paper copy of the master log referred to in RCW 46.55.080.

(5) If at the time of the annual or subsequent inspections the equipment does not meet the requirements of this chapter, and the deficiency is a safety related deficiency, or the equipment is necessary to the truck's performance, the inspector shall cause the registered tow truck operator to remove that equipment from service as a tow truck until such time as the equipment has been satisfactorily repaired. A red tag shall be placed on the windshield of a tow truck taken out of service, and the tow truck shall not provide tow truck service until the Washington state patrol recertifies the truck and removes the tag.

[1989 c 111 § 5; 1985 c 377 § 4.]

RCW 46.55.050 Classification of trucks--Marking requirements--Time and place of inspection--Penalty.

Applicable Cases

(1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

[1987 c 330 § 740; 1985 c 377 § 5.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.060 Business location--Requirements.

Applicable Cases

(1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) Before an additional lot may be used for vehicle storage, it must be inspected and approved by the state patrol. The lot must also be inspected and approved on an annual basis for continued use.

(3) Each business location must have a sign displaying the firm's name that is readable from the street.

(4) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in *RCW 46.55.120(1)(b).

(5) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(6) On any day when the registered tow truck operator holds the towing services open for

business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8:00 a.m. to 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays.

(7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(8) A registered operator shall provide access to a telephone for any person redeeming a vehicle, at the time of redemption.

[1989 c 111 § 6; 1987 c 311 § 3; 1985 c 377 § 6.]

Notes:

***Reviser's note:** RCW 46.55.120 was amended by 1999 c 398 § 7, changing subsection (1)(b) to subsection (1)(e).

RCW 46.55.063 Fees, schedules, contracts, invoices.

Applicable Cases

(1) An operator shall file a fee schedule with the department. All filed fees must be adequate to cover the costs of service provided. No fees may exceed those filed with the department. At least ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(2) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize the impounds, and the present charge of a private impound for the classes of tow trucks to be used in the impound, and must be retained in the files of the registered tow truck operator for three years.

(3) A fee that is charged for tow truck service must be calculated on an hourly basis, and after the first hour must be charged to the nearest quarter hour.

(4) Fees that are charged for the storage of a vehicle, or for other items of personal property registered or titled with the department, must be calculated on a twenty-four hour basis and must be charged to the nearest half day from the time the vehicle arrived at the secure storage area. However, items of personal property registered or titled with the department that are wholly contained within an impounded vehicle are not subject to additional storage fees; they are, however, subject to satisfying the underlying lien for towing and storage of the vehicle in which they are contained.

(5) All billing invoices that are provided to the redeemer of the vehicle, or other items of personal property registered or titled with the department, must be itemized so that the individual fees are clearly discernable.

[1995 c 360 § 3; 1989 c 111 § 7.]

IMPOUNDING UNAUTHORIZED VEHICLES

RCW 46.55.070 Posting requirements--Exception.

Applicable Cases

(1) No person may impound, tow, or otherwise disturb any unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:

(a) The times a vehicle may be impounded as an unauthorized vehicle; and

(b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

(2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.

(3) The department shall adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

(4) This section applies to all new signs erected after July 1, 1986. All other signs must meet these requirements by July 1, 1989.

[1987 c 311 § 4; 1985 c 377 § 7.]

RCW 46.55.075 Law enforcement impound--Required form.

Applicable Cases

The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds after June 30, 2001.

[1999 c 398 § 3.]

RCW 46.55.080 Law enforcement impound, private impound--Master log--Certain associations restricted.

Applicable Cases

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(13), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the

following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles.

[1999 c 398 § 4; 1989 c 111 § 8; 1987 c 311 § 5; 1985 c 377 § 8.]

RCW 46.55.085 Law enforcement impound--Unauthorized vehicle in right of way.

Applicable Cases

(1) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;

(b) The identity of the officer;

(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

[1993 c 121 § 1; 1987 c 311 § 6. Formerly RCW 46.52.170 and 46.52.180.]

RCW 46.55.090 Storage, return requirements--Personal property--Combination endorsement for tow truck drivers--Viewing impounded vehicle.

Applicable Cases

(1) All vehicles impounded shall be taken to the nearest storage location that has been

inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle, with the exception of those items of personal property that are registered or titled with the department, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings, with the exception of those items of personal property that are registered or titled with the department, shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings, with the exception of those items of personal property that are registered or titled with the department, not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter 63.32 or 63.40 RCW.

(5) Tow truck drivers shall have a Washington state driver's license endorsed for the appropriate classification under chapter 46.25 RCW or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

[1995 c 360 § 4; 1989 c 178 § 25; 1987 c 311 § 7; 1985 c 377 § 9.]

Notes:

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

RCW 46.55.100 Impound notice--Abandoned vehicle report--Owner information--Disposition report.

Applicable Cases

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the one hundred twenty hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold

that is not a suspended license impound. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold that is not a suspended license impound is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fourteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

[1999 c 398 § 5; 1998 c 203 § 9; 1995 c 360 § 5; 1991 c 20 § 1; 1989 c 111 § 9; 1987 c 311 § 8; 1985 c 377 § 10.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.105 Responsibility of registered owner.

Applicable Cases

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of a traffic infraction, unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101(1) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070(5), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3, 35, or 35A RCW, or with a violations bureau subject to the court's jurisdiction.

[1999 c 86 § 5; 1998 c 203 § 2; 1995 c 219 § 4; 1993 c 314 § 1.]

Notes:

Finding--1998 c 203: "The legislature finds that the license to drive a motor vehicle on the public highways is suspended or revoked in order to protect public safety following a driver's failure to comply with the laws of this state. Over six hundred persons are killed in traffic accidents in Washington annually, and more than eighty-four thousand persons are injured. It is estimated that of the three million four hundred thousand drivers' licenses issued to citizens of Washington, more than two hundred sixty thousand are suspended or revoked at any given time. Suspended drivers are more likely to be involved in causing traffic accidents, including fatal accidents, than properly licensed drivers, and pose a serious threat to the lives and property of Washington residents. Statistics show that suspended drivers are three times more likely to kill or seriously injure others in the commission of traffic felony offenses than are validly licensed drivers. In addition to not having a driver's license, most such drivers also lack required liability insurance, increasing the financial burden upon other citizens through uninsured losses and higher insurance costs for validly licensed drivers. Because of the threat posed by suspended drivers, all registered owners of motor vehicles in Washington have a duty to not allow their vehicles to be driven by a suspended driver.

Despite the existence of criminal penalties for driving with a suspended or revoked license, an estimated seventy-five percent of these drivers continue to drive anyway. Existing sanctions are not sufficient to deter or prevent persons with a suspended or revoked license from driving. It is common for suspended drivers to resume driving immediately after being stopped, cited, and released by a police officer and to continue to drive while a criminal prosecution for suspended driving is pending. More than half of all suspended drivers charged with the crime of driving while suspended or revoked fail to appear for court hearings. Vehicle impoundment will provide an immediate consequence which will increase deterrence and reduce unlawful driving by preventing a suspended

driver access to that vehicle. Vehicle impoundment will also provide an appropriate measure of accountability for registered owners who permit suspended drivers to drive their vehicles. Impoundment of vehicles driven by suspended drivers has been shown to reduce future driving while suspended or revoked offenses for up to two years afterwards, and the recidivism rate for drivers whose cars were not impounded was one hundred percent higher than for drivers whose cars were impounded. In order to adequately protect public safety and to enforce the state's driver licensing laws, it is necessary to authorize the impoundment of any vehicle when it is found to be operated by a driver with a suspended or revoked license in violation of RCW 46.20.342 and 46.20.420. The impoundment of a vehicle operated in violation of RCW 46.20.342 or 46.20.420 is intended to be a civil in rem action against the vehicle in order to remove it from the public highways and reduce the risk posed to traffic safety by a vehicle accessible to a driver who is reasonably believed to have violated these laws." [1998 c 203 § 1.]

RCW 46.55.110 Notice to legal and registered owners.

Applicable Cases

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in RCW 46.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

(4) If the date on which a notice required by subsection (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

(5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal

property has been redeemed.

[1999 c 398 § 6; 1998 c 203 § 3; 1995 c 360 § 6; 1989 c 111 § 10; 1987 c 311 § 9; 1985 c 377 § 11.]

Notes:

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.113 Removal by police officer.

Applicable Cases

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 or 46.61.504 or of RCW 46.20.342 or *46.20.420, the vehicle is subject to impoundment, pursuant to applicable local ordinance or state agency rule at the direction of a law enforcement officer. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(7) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has been expired for ninety days or more.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

[1998 c 203 § 4; 1997 c 66 § 7; 1996 c 89 § 1; 1994 c 275 § 32; 1987 c 311 § 10. Formerly RCW 46.61.565.]

Notes:

***Reviser's note:** RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Finding--1998 c 203: See note following RCW 46.55.105.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.55.115 State patrol--Appointment of towing operators--Lien for costs--Appeal.

Applicable Cases

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the state patrol and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the state patrol may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the state patrol and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the state patrol.

An appointment may be rescinded by the state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The state patrol may not rescind an appointment merely because a registered tow truck operator negotiates a different rate for voluntary, owner-requested towing than for involuntary towing under this chapter. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the state patrol made under this section may appeal the decision under chapter 34.05 RCW.

[1993 c 121 § 2; 1987 c 330 § 744; 1979 ex.s. c 178 § 22; 1977 ex.s. c 167 § 5. Formerly RCW 46.61.567.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.
Severability--1979 ex.s. c 178: See note following RCW 46.61.590.

REDEMPTION RIGHTS AND HEARING PROCEDURES

RCW 46.55.120 Redemption of vehicles--Sale of unredeemed property--Improper impoundment.

Applicable Cases

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a

vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency may issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9 RCW, including providing redemption rights to the debtor under RCW 62A.9-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9 RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or *46.20.420 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm can determine through the customer's bank or a check verification service that the presented check would not be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be

returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded, for not less than fifty dollars per day, against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or *46.20.420 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the

Court located at in the sum of \$., in an action entitled, Case No.

YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) . . .

Signature

Typed name and address
of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees.

[1999 c 398 § 7; 1999 c 327 § 5; 1998 c 203 § 5; 1996 c 89 § 2; 1995 c 360 § 7; 1993 c 121 § 3; 1989 c 111 § 11; 1987 c 311 § 12; 1985 c 377 § 12.]

Notes:

Reviser's note: *(1) RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

(2) This section was amended by 1999 c 327 § 5 and by 1999 c 398 § 7, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of

construction, see RCW 1.12.025(1).

Findings--Intent--1999 c 327: See note following RCW 9A.88.130.

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.130 Notice requirements--Public auction--Accumulation of storage charges.

Applicable Cases

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in *RCW 46.55.110(2) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction,

the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by *RCW 46.55.110(2).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

[1998 c 203 § 6; 1989 c 111 § 12; 1987 c 311 § 13; 1985 c 377 § 13.]

Notes:

***Reviser's note:** RCW 46.55.110 was amended by 1999 c 398 § 6, changing subsection (2) to subsection (3).

Finding--1998 c 203: See note following RCW 46.55.105.

RCW 46.55.140 Operator's lien, deficiency claim, liability.

Applicable Cases

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of five hundred dollars after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 and has timely and properly filed the seller's report is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed seller's report shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or

otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

[1995 c 360 § 8; 1992 c 200 § 1; 1991 c 20 § 2; 1989 c 111 § 13; 1987 c 311 § 14; 1985 c 377 § 14.]

RECORDS, INSPECTIONS, AND ENFORCEMENT

RCW 46.55.150 Vehicle transaction file.

Applicable Cases

The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

- (1) A signed impoundment authorization as required by RCW 46.55.080;
 - (2) A record of the twenty-four hour written impound notice to a law enforcement agency;
 - (3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded;
 - (4) A copy of the abandoned vehicle report that was sent to and returned by the department;
 - (5) A copy and proof of mailing of the notice of custody and sale sent by the registered tow truck operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;
 - (6) A copy of the published notice of public auction;
 - (7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;
 - (8) A record of the two highest bid offers on the vehicle, with the names, addresses, and telephone numbers of the two bidders;
 - (9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;
 - (10) An itemized invoice of charges against the vehicle.
- The transaction file shall be kept for a minimum of three years.

[1989 c 111 § 14; 1987 c 311 § 15; 1985 c 377 § 15.]

RCW 46.55.160 Availability of records, equipment, and facilities for audit and inspection.

Applicable Cases

Records, equipment, and facilities of a registered tow truck operator shall be available during normal business hours for audit or inspection by the department of licensing, the Washington state patrol, or any law enforcement agency having jurisdiction.

[1985 c 377 § 16.]

RCW 46.55.170 Complaints, where forwarded.

Applicable Cases

(1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state patrol.

[1987 c 330 § 741; 1985 c 377 § 17.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.180 Presiding officer at licensing hearing.

Applicable Cases

The director or the chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding licensing provisions under this chapter or rules adopted under it.

[1989 c 111 § 15; 1987 c 330 § 742; 1985 c 377 § 18.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 46.55.190 Rules.

Applicable Cases

The director, in cooperation with the chief of the Washington state patrol, shall adopt rules that carry out the provisions and intent of this chapter.

[1985 c 377 § 19.]

RCW 46.55.200 Penalties for certain acts or omissions.

Applicable Cases

A registered tow truck operator's license may be denied, suspended, or revoked, or the licensee may be ordered to pay a monetary penalty of a civil nature, not to exceed one thousand dollars per violation, or the licensee may be subjected to any combination of license and monetary penalty, whenever the director has reason to believe the licensee has committed, or is at the time committing, a violation of this chapter or rules adopted under it or any other statute or rule relating to the title or disposition of vehicles or vehicle hulks, including but not limited to:

(1) Towing any abandoned vehicle without first obtaining and having in the operator's possession at all times while transporting it, appropriate evidence of ownership or an impound authorization properly executed by the private person or public official having control over the property on which the unauthorized vehicle was found;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to unauthorized or abandoned vehicles or automobile hulks;

(3) Failing to comply with the statutes and rules relating to the processing and sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state surplus funds derived from the sale of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle that he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the statutes and rules relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after the assessment becomes final.

All orders by the director made under this chapter are subject to the Administrative Procedure Act, chapter 34.05 RCW.

[1989 c 111 § 16; 1985 c 377 § 20.]

RCW 46.55.210 Cease and desist order.

Applicable Cases

Whenever it appears to the director that any registered tow truck operator or a person offering towing services has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule adopted hereunder, the director may issue an order directing the operator or person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice.

[1987 c 311 § 17; 1985 c 377 § 21.]

RCW 46.55.220 Refusal to issue license, grounds for.

Applicable Cases

If an application for a license to conduct business as a registered tow truck operator is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing, of which the applicant has been given twenty days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to conduct business as a registered tow truck operator.

[1987 c 311 § 18; 1985 c 377 § 22.]

JUNK VEHICLE DISPOSITION

RCW 46.55.230 Junk vehicles--Removal, disposal, sale.

Applicable Cases

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

[1991 c 292 § 2; 1987 c 311 § 19; 1985 c 377 § 23.]

LOCAL REGULATION

RCW 46.55.240 Local ordinances--Requirements.

Applicable Cases

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearing officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency

shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

[1994 c 176 § 2; 1991 c 292 § 3; 1989 c 111 § 17; 1987 c 311 § 20; 1985 c 377 § 24.]

MISCELLANEOUS

RCW 46.55.900 Severability--1985 c 377.

Applicable Cases

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

[1985 c 377 § 26.]

RCW 46.55.901 Headings not part of law.

Applicable Cases

Headings and captions used in this act are not any part of the law.

[1985 c 377 § 27.]

RCW 46.55.902 Effective date--1985 c 377.

Applicable Cases

This act shall take effect on January 1, 1986.

[1985 c 377 § 31.]

RCW 46.55.910 Chapter not applicable to certain activities of department of transportation.

Applicable Cases

This chapter does not apply to the state department of transportation to the extent that it may remove vehicles that are traffic hazards from bridges and the mountain passes without prior authorization. If such a vehicle is removed, the department shall immediately notify the appropriate local law enforcement agency, and the vehicle shall be processed in accordance with

RCW 46.55.110.

[1989 c 111 § 18.]

Chapter 46.61 RCW

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MISCELLANEOUS RULES

- 46.61.600 Unattended motor vehicle.
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- 46.61.614 Riding on motorcycles--Clinging to other vehicles.
- 46.61.615 Obstructions to driver's view or driving mechanism.
- 46.61.620 Opening and closing vehicle doors.
- 46.61.625 Riding in trailers or towed vehicles.
- 46.61.630 Coasting prohibited.
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- 46.61.640 Crossing fire hose.
- 46.61.645 Throwing dangerous materials on highway prohibited--Removal.
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- 46.61.660 Carrying persons or animals on outside part of vehicle.
- 46.61.665 Embracing another while driving.
- 46.61.670 Driving with wheels off roadway.
- 46.61.675 Causing or permitting vehicle to be unlawfully operated.
- 46.61.680 Lowering passenger vehicle below legal clearance--Penalty.
- 46.61.685 Leaving children unattended in standing vehicle with motor running--Penalty.
- 46.61.687 Child passenger restraint required--Conditions--Exceptions--Penalty for violation--Dismissal--Noncompliance not negligence.
- 46.61.688 Safety belts, use required--Penalties--Exemptions.
- 46.61.690 Violations relating to toll facilities.
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- 46.61.710 Mopeds, electric-assisted bicycles--General requirements and operation.
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OPERATION OF NONMOTORIZED VEHICLES

- 46.61.750 Effect of regulations--Penalty.
- 46.61.755 Traffic laws apply to persons riding bicycles.
- 46.61.758 Hand signals.
- 46.61.760 Riding on bicycles.
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- 46.61.775 Carrying articles.
- 46.61.780 Lamps and other equipment on bicycles.
- 46.61.990 Recodification of sections--Organization of chapter--Construction.
- 46.61.991 Severability--1965 ex.s. c 155.

Notes:

Limited access highways, turning, parking violations: RCW 47.52.120.

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

RCW 46.61.005 Chapter refers to vehicles upon highways--Exceptions.

Applicable Cases

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

- (1) Where a different place is specifically referred to in a given section.
- (2) The provisions of RCW 46.52.010 through 46.52.090, 46.61.500 through 46.61.525, and 46.61.5249 shall apply upon highways and elsewhere throughout the state.

[1997 c 66 § 13; 1990 c 291 § 4; 1965 ex.s. c 155 § 1.]

RCW 46.61.015 Obedience to police officers, flagmen, or fire fighters--Penalty.

Applicable Cases

No person shall wilfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer or fire fighter invested by law with authority to direct, control, or regulate traffic.

A violation of this section is a misdemeanor.

[1995 c 50 § 1; 1975 c 62 § 17; 1965 ex.s. c 155 § 3.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.020 Refusal to give information to or cooperate with officer--Penalty.

Applicable Cases

It is unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it is likewise unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle, his insurance identification card, or his vehicle driver's license or to refuse to permit such officer to take any such license, card, or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle, insurance card, or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such.

A violation of this section is a misdemeanor.

[1995 c 50 § 2; 1989 c 353 § 6; 1967 c 32 § 65; 1961 c 12 § 46.56.190. Prior: 1937 c 189 § 126; RRS § 6360-126; 1927 c 309 § 38; RRS § 6362-38. Formerly RCW 46.56.190.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

RCW 46.61.021 Duty to obey law enforcement officer--Authority of officer.

Applicable Cases

(1) Any person requested or signaled to stop by a law enforcement officer for a traffic infraction has a duty to stop.

(2) Whenever any person is stopped for a traffic infraction, the officer may detain that person for a reasonable period of time necessary to identify the person, check for outstanding warrants, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

(3) Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the notice of infraction.

[1997 1st sp.s. c 1 § 1; 1989 c 353 § 7; 1979 ex.s. c 136 § 4.]

Notes:

Effective date--1997 1st sp.s. c 1: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [September 17, 1997]." [1997 1st sp.s. c 1 § 2.]

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.022 Failure to obey officer--Penalty.

Applicable Cases

Any person who wilfully fails to stop when requested or signaled to do so by a person

reasonably identifiable as a law enforcement officer or to comply with RCW 46.61.021(3), is guilty of a misdemeanor.

[1979 ex.s. c 136 § 5.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.024 Attempting to elude pursuing police vehicle--License revocation.

Applicable Cases

Any driver of a motor vehicle who wilfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a manner indicating a wanton or wilful disregard for the lives or property of others while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official police vehicle.

The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing.

[1983 c 80 § 1; 1982 1st ex.s. c 47 § 25; 1979 ex.s. c 75 § 1.]

Notes:

Severability--1982 1st ex.s. c 47: See note following RCW 9.41.190.

RCW 46.61.025 Persons riding animals or driving animal-drawn vehicles.

Applicable Cases

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application.

[1965 ex.s. c 155 § 4.]

RCW 46.61.030 Persons working on highway right of way--Exceptions.

Applicable Cases

Unless specifically made applicable, the provisions of this chapter except those contained in RCW 46.61.500 through 46.61.520 shall not apply to persons, motor vehicles and other equipment while engaged in work within the right of way of any highway but shall apply to such persons and vehicles when traveling to or from such work.

[1969 c 76 § 1; 1965 ex.s. c 155 § 5.]

RCW 46.61.035 Authorized emergency vehicles.

Applicable Cases

(1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

- (a) Park or stand, irrespective of the provisions of this chapter;
- (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) Exceed the maximum speed limits so long as he does not endanger life or property;
- (d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

[1969 c 23 § 1; 1965 ex.s. c 155 § 6.]

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

RCW 46.61.050 Obedience to and required traffic control devices.

Applicable Cases

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

[1975 c 62 § 18; 1965 ex.s. c 155 § 7.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

Bicycle awareness program: RCW 43.43.390.

RCW 46.61.055 Traffic control signal legend.

Applicable Cases

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

[1993 c 153 § 2; 1990 c 241 § 2; 1975 c 62 § 19; 1965 ex.s. c 155 § 8.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.060 Pedestrian control signals.

Applicable Cases

Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians facing such signal may cross the roadway in the direction of the signal. Vehicle operators shall stop for pedestrians who are lawfully moving within the intersection control area on such signal as required by RCW 46.61.235(1).

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians facing such signal shall not enter the roadway. Vehicle operators shall stop for pedestrians who have begun to cross the roadway before the display of either signal as required by RCW 46.61.235(1).

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk" or the hand symbol.

[1993 c 153 § 3; 1990 c 241 § 3; 1975 c 62 § 20; 1965 ex.s. c 155 § 9.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.065 Flashing signals.

Applicable Cases

(1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in RCW 46.61.340.

[1975 c 62 § 21; 1965 ex.s. c 155 § 10.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.070 Lane-direction-control signals.

Applicable Cases

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

[1965 ex.s. c 155 § 11.]

RCW 46.61.072 Special traffic control signals--Legend.

Applicable Cases

Whenever special traffic control signals exhibit a downward green arrow, a yellow X, or a red X indication, such signal indication shall have the following meaning:

(1) A steady downward green arrow means that a driver is permitted to drive in the lane over which the arrow signal is located.

(2) A steady yellow X or flashing red X means that a driver should prepare to vacate, in a safe manner, the lane over which the signal is located because a lane control change is being made, and to avoid occupying that lane when a steady red X is displayed.

(3) A flashing yellow X means that a driver is permitted to use a lane over which the signal is located for a left turn, using proper caution.

(4) A steady red X means that a driver shall not drive in the lane over which the signal is located, and that this indication shall modify accordingly the meaning of all other traffic controls present. The driver shall obey all other traffic controls and follow normal safe driving practices.

[1975 c 62 § 49.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.075 Display of unauthorized signs, signals, or markings.

Applicable Cases

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

[1965 ex.s. c 155 § 12.]

RCW 46.61.080 Interference with official traffic-control devices or railroad signs or signals.

Applicable Cases

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

[1965 ex.s. c 155 § 13.]

Notes:

Interference with traffic-control signals or railroad signs or signals: RCW 47.36.130.

RCW 46.61.085 Traffic control signals or devices upon city streets forming part of state highways--Approval by department of transportation.

Applicable Cases

No traffic control signal or device may be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state department of transportation.

[1984 c 7 § 62; 1965 ex.s. c 155 § 14.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Local authorities to provide stop signs at intersections with increased speed highways: RCW 46.61.435.

DRIVING ON RIGHT SIDE OF ROADWAY--OVERTAKING AND PASSING--USE OF ROADWAY

RCW 46.61.100 Keep right except when passing, etc.

Applicable Cases

(1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes and providing for two-way movement traffic under the rules applicable thereon; or

(d) Upon a street or highway restricted to one-way traffic.

(2) Upon all roadways having two or more lanes for traffic moving in the same direction,

all vehicles shall be driven in the right-hand lane then available for traffic, except (a) when overtaking and passing another vehicle proceeding in the same direction, (b) when traveling at a speed greater than the traffic flow, (c) when moving left to allow traffic to merge, or (d) when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted. On any such roadway, a vehicle or combination over ten thousand pounds shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection.

(3) No vehicle towing a trailer or no vehicle or combination over ten thousand pounds may be driven in the left-hand lane of a limited access roadway having three or more lanes for traffic moving in one direction except when preparing for a left turn at an intersection, exit, or into a private road or driveway when a left turn is legally permitted. This subsection does not apply to a vehicle using a high-occupancy vehicle lane. A high-occupancy vehicle lane is not considered the left-hand lane of a roadway. The department of transportation, in consultation with the Washington state patrol, shall adopt rules specifying (a) those circumstances where it is permissible for other vehicles to use the left lane in case of emergency or to facilitate the orderly flow of traffic, and (b) those segments of limited access roadway to be exempt from this subsection due to the operational characteristics of the roadway.

(4) It is a traffic infraction to drive continuously in the left lane of a multilane roadway when it impedes the flow of other traffic.

(5) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle shall not be driven to the left of the center line of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) of this section. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

[1997 c 253 § 1; 1986 c 93 § 2; 1972 ex.s. c 33 § 1; 1969 ex.s. c 281 § 46; 1967 ex.s. c 145 § 58; 1965 ex.s. c 155 § 15.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Legislative intent--1986 c 93: "It is the intent of the legislature, in this 1985 [1986] amendment of RCW 46.61.100, that the left-hand lane on any state highway with two or more lanes in the same direction be used primarily as a passing lane." [1986 c 93 § 1.]

Information on proper use of left-hand lane: RCW 28A.220.050, 46.20.095, 46.82.430, 47.36.260.

RCW 46.61.105 Passing vehicles proceeding in opposite directions.

Applicable Cases

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

[1975 c 62 § 22; 1965 ex.s. c 155 § 16.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.110 Overtaking a vehicle on the left.

Applicable Cases

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

[1965 ex.s. c 155 § 17.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.115 When overtaking on the right is permitted.

Applicable Cases

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

[1975 c 62 § 23; 1965 ex.s. c 155 § 18.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.120 Limitations on overtaking on the left.

Applicable Cases

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of RCW 46.61.100 through 46.61.160 and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the

opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle.

[1965 ex.s. c 155 § 19.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.125 Further limitations on driving to left of center of roadway.

Applicable Cases

(1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway.

[1972 ex.s. c 33 § 2; 1965 ex.s. c 155 § 20.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.130 No-passing zones.

Applicable Cases

(1) The state department of transportation and the local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) of this section, no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway.

[1984 c 7 § 63; 1972 ex.s. c 33 § 3; 1965 ex.s. c 155 § 21.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.135 One-way roadways and rotary traffic islands.

Applicable Cases

(1) The state department of transportation and the local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(2) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

[1984 c 7 § 64; 1975 c 62 § 24; 1965 ex.s. c 155 § 22.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.140 Driving on roadways laned for traffic.

Applicable Cases

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

[1965 ex.s. c 155 § 23.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.145 Following too closely.

Applicable Cases

(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

[1965 ex.s. c 155 § 24.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.150 Driving on divided highways.

Applicable Cases

Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or median island, except through an opening in such physical barrier or dividing section or space or median island, or at a crossover or intersection established by public authority.

[1972 ex.s. c 33 § 4; 1965 ex.s. c 155 § 25.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.155 Restricted access.

Applicable Cases

No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority.

[1965 ex.s. c 155 § 26.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.160 Restrictions on limited-access highway--Use by bicyclists.

Applicable Cases

The department of transportation may by order, and local authorities may by ordinance or resolution, with respect to any limited access highway under their respective jurisdictions prohibit the use of any such highway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle. Bicyclists may use the right shoulder of limited-access highways except where prohibited. The department of transportation may by order, and local authorities may by ordinance or resolution, with respect to any limited-access highway under their respective jurisdictions prohibit the use of the shoulders of any such highway by bicycles within urban areas or upon other sections of the highway where such use is deemed to be unsafe.

The department of transportation or the local authority adopting any such prohibitory regulation shall erect and maintain official traffic control devices on the limited access roadway on which such regulations are applicable, and when so erected no person may disobey the restrictions stated on such devices.

[1982 c 55 § 5; 1975 c 62 § 25; 1965 ex.s. c 155 § 27.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.165 High-occupancy vehicle lanes.

Applicable Cases

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

[1999 c 206 § 1; 1998 c 245 § 90; 1991 sp.s. c 15 § 67; 1984 c 7 § 65; 1974 ex.s. c 133 § 2.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

Severability--1984 c 7: See note following RCW 47.01.141.

RIGHT OF WAY

RCW 46.61.180 Vehicle approaching intersection.

Applicable Cases

(1) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(2) The right of way rule declared in subsection (1) of this section is modified at arterial highways and otherwise as stated in this chapter.

[1975 c 62 § 26; 1965 ex.s. c 155 § 28.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.183 Nonfunctioning signal lights.

Applicable Cases

Except when directed to proceed by a flagger, police officer, or fire fighter, the driver of a vehicle approaching an intersection controlled by a traffic control signal that is temporarily without power on all approaches or is not displaying any green, red, or yellow indication to the approach the vehicle is on, shall consider the intersection to be an all-way stop. After stopping, the driver shall yield the right of way in accordance with RCW 46.61.180(1) and 46.61.185.

[1999 c 200 § 1.]

RCW 46.61.185 Vehicle turning left.

Applicable Cases

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

[1965 ex.s. c 155 § 29.]

RCW 46.61.190 Vehicle entering stop or yield intersection.

Applicable Cases

(1) Preferential right of way may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a duly authorized flagman, or a police officer, or a fire fighter vested by law with authority to direct, control, or regulate traffic, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or, if none, then at the point

nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and after having stopped shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering a marked crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the roadway, and then after slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways: PROVIDED, That if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

[1975 c 62 § 27; 1965 ex.s. c 155 § 30.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

Stop signs, "Yield" signs--Duties of persons using highway: RCW 47.36.110.

RCW 46.61.195 Arterial highways designated--Stopping on entering.

Applicable Cases

All state highways are hereby declared to be arterial highways as respects all other public highways or private ways, except that the state department of transportation has the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the state department of transportation as forming a part of the routes of state highways through incorporated cities and towns are declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if the change is first approved in writing by the state department of transportation. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering the arterial highway when stop signs are erected as provided by law.

[1984 c 7 § 66; 1963 ex.s. c 3 § 48; 1961 c 12 § 46.60.330. Prior: 1955 c 146 § 5; 1947 c 200 § 14; 1937 c 189 §

105; Rem. Supp. 1947 § 6360-105. Formerly RCW 46.60.330.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

City streets subject to increased speed, designation as arterials: RCW 46.61.435.

Stop signs, "Yield" signs--Duties of persons using highway: RCW 47.36.110.

RCW 46.61.200 Stop intersections other than arterial may be designated.

Applicable Cases

In addition to the points of intersection of any public highway with any arterial public highway that is constituted by law or by any proper authorities of this state or any city or town of this state, the state department of transportation with respect to state highways, and the proper authorities with respect to any other public highways, have the power to determine and designate any particular intersection, or any particular highways, roads, or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection. Upon the determination and designation of such points at which vehicles will be required to come to a stop before entering the intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state department of transportation indicating that the intersection has been so determined and designated and that vehicles entering it are required to stop. It is unlawful for any person operating any vehicle when entering any intersection determined, designated, and bearing the required sign to fail and neglect to bring the vehicle to a complete stop before entering the intersection.

[1984 c 7 § 67; 1961 c 12 § 46.60.340. Prior: 1937 c 189 § 106; RRS § 6360-106; 1927 c 284 § 1; RRS § 6362-41a. Formerly RCW 46.60.340.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.202 Stopping when traffic obstructed.

Applicable Cases

No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic control signal indications to proceed.

[1975 c 62 § 48.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.205 Vehicle entering highway from private road or driveway.

Applicable Cases

The driver of a vehicle about to enter or cross a highway from a private road or driveway

shall yield the right of way to all vehicles lawfully approaching on said highway.

[1990 c 250 § 88; 1965 ex.s. c 155 § 31.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.61.210 Operation of vehicles on approach of emergency vehicles.

Applicable Cases

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

[1965 ex.s. c 155 § 32.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.215 Highway construction and maintenance.

Applicable Cases

(1) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

(2) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever such vehicle displays flashing lights meeting the requirements of RCW 46.37.300.

[1975 c 62 § 40.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.220 Transit vehicles.

Applicable Cases

(1) The driver of a vehicle shall yield the right of way to a transit vehicle traveling in the same direction that has signalled and is reentering the traffic flow.

(2) Nothing in this section shall operate to relieve the driver of a transit vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

[1993 c 401 § 1.]

PEDESTRIANS' RIGHTS AND DUTIES

RCW 46.61.230 Pedestrians subject to traffic regulations.

Applicable Cases

Pedestrians shall be subject to traffic-control signals at intersections as provided in RCW 46.61.060, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter.

[1965 ex.s. c 155 § 33.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.235 Stopping for pedestrians in crosswalks.

Applicable Cases

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within an unmarked or marked crosswalk when the pedestrian is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in RCW 46.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

[1993 c 153 § 1; 1990 c 241 § 4; 1965 ex.s. c 155 § 34.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.240 Crossing at other than crosswalks.

Applicable Cases

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, disabled persons may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead

pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(5) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(6) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

[1990 c 241 § 5; 1965 ex.s. c 155 § 35.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.245 Drivers to exercise care.

Applicable Cases

Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

[1965 ex.s. c 155 § 36.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Blind pedestrians: Chapter 70.84 RCW.

RCW 46.61.250 Pedestrians on roadways.

Applicable Cases

(1) Where sidewalks are provided it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, disabled persons who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided any pedestrian walking or otherwise moving along and upon a highway shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway.

[1990 c 241 § 6; 1965 ex.s. c 155 § 37.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.255 Pedestrians soliciting rides or business.

Applicable Cases

(1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

(2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6)(a) Except as provided in (b) of this subsection, the state preempts the field of the regulation of hitchhiking in any form, and no county, city, or town shall take any action in conflict with the provisions of this section.

(b) A county, city, or town may regulate or prohibit hitchhiking in an area in which it has determined that prostitution is occurring and that regulating or prohibiting hitchhiking will help to reduce prostitution in the area.

[1989 c 288 § 1; 1972 ex.s. c 38 § 1; 1965 ex.s. c 155 § 38.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.260 Driving through safety zone prohibited.

Applicable Cases

No vehicle shall at any time be driven through or within a safety zone.

[1965 ex.s. c 155 § 39.]

RCW 46.61.261 Pedestrians' right of way on sidewalk.

Applicable Cases

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

[1975 c 62 § 41.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.264 Pedestrians yield to emergency vehicles.

Applicable Cases

(1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 subsection (4) and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle meeting the requirements of RCW 46.61.035 subsection (3), every pedestrian shall yield the right of way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

[1975 c 62 § 42.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.266 Pedestrians under the influence of alcohol or drugs.

Applicable Cases

A law enforcement officer may offer to transport a pedestrian who appears to be under the influence of alcohol or any drug and who is walking or moving along or within the right of way of a public roadway, unless the pedestrian is to be taken into protective custody under RCW 70.96A.120.

The law enforcement officer offering to transport an intoxicated pedestrian under this section shall:

- (1) Transport the intoxicated pedestrian to a safe place; or
- (2) Release the intoxicated pedestrian to a competent person.

The law enforcement officer shall take no action if the pedestrian refuses this assistance. No suit or action may be commenced or prosecuted against the law enforcement officer, law enforcement agency, the state of Washington, or any political subdivision of the state for any act resulting from the refusal of the pedestrian to accept this assistance.

[1990 c 241 § 7; 1987 c 11 § 1; 1975 c 62 § 43.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.269 Passing beyond bridge or grade crossing barrier prohibited.

Applicable Cases

(1) No pedestrian shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at

a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

[1975 c 62 § 44.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

RCW 46.61.290 Required position and method of turning at intersections.

Applicable Cases

The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered.

(3) Two-way left turn lanes.

(a) The department of transportation and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in either direction from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of transportation shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the administrative procedure act, chapter 34.05 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from either direction, no vehicles may turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. No vehicle may travel further than three hundred feet within the lane. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made.

(4) The department of transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles, and when the

devices are so placed no driver of a vehicle may turn a vehicle other than as directed and required by the devices.

[1997 c 202 § 1. Prior: 1984 c 12 § 1; 1984 c 7 § 68; 1975 c 62 § 28; 1969 ex.s. c 281 § 61; 1965 ex.s. c 155 § 40.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.295 "U" turns.

Applicable Cases

(1) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(2) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.

[1975 c 62 § 29; 1965 ex.s. c 155 § 41.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

Limited access highways: RCW 47.52.120.

RCW 46.61.300 Starting parked vehicle.

Applicable Cases

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

[1965 ex.s. c 155 § 42.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.305 When signals required--Improper use prohibited.

Applicable Cases

(1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other

vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

[1975 c 62 § 30; 1965 ex.s. c 155 § 43.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.310 Signals by hand and arm or signal lamps.

Applicable Cases

(1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles.

[1965 ex.s. c 155 § 44.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.315 Method of giving hand and arm signals.

Applicable Cases

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn. Hand and arm extended horizontally.
- (2) Right turn. Hand and arm extended upward.
- (3) Stop or decrease speed. Hand and arm extended downward.

[1965 ex.s. c 155 § 45.]

SPECIAL STOPS REQUIRED

RCW 46.61.340 Obedience to signal indicating approach of train.

Applicable Cases

(1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

[1965 ex.s. c 155 § 46.]

RCW 46.61.345 All vehicles must stop at certain railroad grade crossings.

Applicable Cases

The state department of transportation and local authorities within their respective jurisdictions are authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs at those crossings. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall proceed only upon exercising due care.

[1984 c 7 § 69; 1965 ex.s. c 155 § 47.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.350 Certain vehicles must stop at all railroad grade crossings--Exceptions.

Applicable Cases

(1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing, and the driver shall not shift gears while crossing the track or tracks.

(2) This section shall not apply at:

(a) Any railroad grade crossing at which traffic is controlled by a police officer or a duly authorized flagman;

(b) Any railroad grade crossing at which traffic is regulated by a traffic control signal;

(c) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Any railroad grade crossing at which an official traffic control device as designated by the utilities and transportation commission pursuant to RCW 81.53.060 gives notice that the stopping requirement imposed by this section does not apply.

[1977 c 78 § 1; 1975 c 62 § 31; 1970 ex.s. c 100 § 7; 1965 ex.s. c 155 § 48.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.355 Moving heavy equipment at railroad grade crossings--Notice of intended crossing.

Applicable Cases

(1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Notice of any such intended crossing shall be given to the station agent of such railroad located nearest the intended crossing sufficiently in advance to allow such railroad a reasonable time to prescribe proper protection for such crossing.

(3) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(4) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

[1975 c 62 § 32; 1965 ex.s. c 155 § 49.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.365 Emerging from alley, driveway, or building.

Applicable Cases

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

[1965 ex.s. c 155 § 51.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.370 Overtaking or meeting school bus--Duties of bus driver.

Applicable Cases

(1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the roadway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(3) The driver of a vehicle upon a highway with three or more marked traffic lanes need not stop upon meeting a school bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging school children.

(4) The driver of a school bus shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging school children.

(5) The driver of a school bus may stop completely off the roadway for the purpose of receiving or discharging school children only when the school children do not have to cross the roadway. The school bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading school children at such stops.

(6) A person found to have committed an infraction of subsection (1) of this section shall be assessed a monetary penalty equal to twice the total penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended. Fifty percent of the money so collected shall be deposited into the school zone safety account in the custody of the state treasurer and disbursed in accordance with RCW 46.61.440(3).

[1997 c 80 § 1; 1990 c 241 § 8; 1965 ex.s. c 155 § 52.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Bus routes: RCW 28A.160.115.

RCW 46.61.371 School bus stop sign violators--Identification by vehicle owner.

Applicable Cases

If a law enforcement officer investigating a violation of RCW 46.61.370 has reasonable cause to believe that a violation has occurred, the officer may request the owner of the motor vehicle to supply information identifying the driver of the vehicle at the time the violation occurred. When requested, the owner of the motor vehicle shall identify the driver to the best of the owner's ability. The owner of the vehicle is not required to supply identification information to the law enforcement officer if the owner believes the information is self-incriminating.

[1992 c 39 § 1.]

RCW 46.61.372 School bus stop sign violators--Report by bus driver--Law enforcement investigation.

Applicable Cases

(1) The driver of a school bus who observes a violation of RCW 46.61.370 may prepare a written report on a form provided by the state patrol or another law enforcement agency indicating that a violation has occurred. The driver of the school bus or a school official may deliver the report to a law enforcement officer of the state, county, or municipality in which the violation occurred but not more than seventy-two hours after the violation occurred. The driver shall include in the report the time and location at which the violation occurred, the vehicle license plate number, and a description of the vehicle involved in the violation.

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure to investigate within the ten working day period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW 46.61.370 has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

[1992 c 39 § 2.]

RCW 46.61.375 Overtaking or meeting private carrier bus--Duties of bus driver.

Applicable Cases

(1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the roadway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion or the visual signals are no longer activated.

(2) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150 need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(3) The driver of a vehicle upon a highway with three or more lanes need not stop upon meeting a private carrier bus which is proceeding in the opposite direction and is stopped for the purpose of receiving or discharging passengers.

(4) The driver of a private carrier bus shall actuate the visual signals required by RCW 46.37.190 only when such bus is stopped on the roadway for the purpose of receiving or discharging passengers.

(5) The driver of a private carrier bus may stop a private carrier bus completely off the roadway for the purpose of receiving or discharging passengers only when the passengers do not have to cross the roadway. The private carrier bus driver shall actuate the hazard warning lamps as defined in RCW 46.37.215 before loading or unloading passengers at such stops.

[1990 c 241 § 9; 1970 ex.s. c 100 § 8.]

RCW 46.61.380 Rules for design, marking, and mode of operating school buses.

Applicable Cases

The state superintendent of public instruction shall adopt and enforce rules not inconsistent with the law of this state to govern the design, marking, and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children. Those rules shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district is subject to such rules. It is unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such rules.

[1995 c 269 § 2501; 1984 c 7 § 70; 1961 c 12 § 46.48.150. Prior: 1937 c 189 § 131; RRS § 6360-131. Formerly RCW 46.48.150.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Severability--1984 c 7: See note following RCW 47.01.141.

School buses

generally: Chapter 28A.160 RCW.

signs: RCW 46.37.193.

stop signal and lamps: RCW 46.37.190.

RCW 46.61.385 School patrol--Appointment--Authority--Finance--Insurance.

Applicable Cases

The superintendent of public instruction, through the superintendent of schools of any school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW 28A.400.370.

[1990 c 33 § 585; 1974 ex.s. c 47 § 1; 1961 c 12 § 46.48.160. Prior: 1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42. Formerly RCW 46.48.160.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

SPEED RESTRICTIONS

RCW 46.61.400 Basic rule and maximum limits.

Applicable Cases

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

- (a) Twenty-five miles per hour on city and town streets;
- (b) Fifty miles per hour on county roads;
- (c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

[1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Saving of existing orders, etc., establishing speed limits--1963 c 16: "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.] "This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425, and 46.61.440.

RCW 46.61.405 Decreases by secretary of transportation.

Applicable Cases

Whenever the secretary of transportation shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed set forth in RCW 46.61.400 is necessary in order to comply with a national maximum speed limit, the secretary may determine and declare a reasonable and safe lower maximum limit or a lower maximum limit which will comply with a national maximum speed limit, for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The secretary may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410, as now or hereafter amended.

[1987 c 397 § 3; 1977 ex.s. c 151 § 34; 1974 ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

Notes:

Intent--1987 c 397: See note following RCW 46.61.410.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.410 Increases by secretary of transportation--Maximum speed limit for trucks--Auto stages--Signs and notices.

Applicable Cases

(1)(a) Subject to subsection (2) of this section the secretary may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever the secretary determines upon the basis of an engineering and traffic

investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway.

(b) The greater maximum limit established under (a) of this subsection shall be effective when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(c) Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the secretary as provided in RCW 46.61.405.

(3) The word "trucks" used by the department on signs giving notice of maximum speed limits means vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the secretary establishes maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary shall cause to be mailed notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington.

[1996 c 52 § 1; 1987 c 397 § 4; 1977 ex.s. c 151 § 35; 1974 ex.s. c 103 § 2; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

Notes:

Intent--1987 c 397: "It is the intent of the legislature to increase the speed limit to sixty-five miles per hour on those portions of the rural interstate highway system where the increase would be safe and reasonable and is allowed by federal law. It is also the intent of the legislature that the sixty-five miles per hour speed limit be strictly enforced." [1987 c 397 § 1.]

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.415 When local authorities may alter maximum limits.

Applicable Cases

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.440 is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a

reasonable and safe maximum limit thereon which

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The secretary of transportation is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the secretary of transportation.

[1977 ex.s. c 151 § 36; 1974 ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.425 Minimum speed regulation--Passing slow moving vehicle.

Applicable Cases

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: PROVIDED, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the secretary of transportation or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the secretary or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

[1977 ex.s. c 151 § 37; 1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.427 Slow-moving vehicle to pull off roadway.

Applicable Cases

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

[1973 c 88 § 1.]

RCW 46.61.428 Slow-moving vehicle driving on shoulders, when.

Applicable Cases

(1) The state department of transportation and local authorities are authorized to determine those portions of any two-lane highways under their respective jurisdictions on which drivers of slow-moving vehicles may safely drive onto improved shoulders for the purpose of allowing overtaking vehicles to pass and may by appropriate signs indicate the beginning and end of such zones.

(2) Where signs are in place to define a driving-on-shoulder zone as set forth in subsection (1) of this section, the driver of a slow-moving vehicle may drive onto and along the shoulder within the zone but only for the purpose of allowing overtaking vehicles to pass and then shall return to the roadway.

(3) Signs erected to define a driving-on-shoulder zone take precedence over pavement markings for the purpose of allowing the movements described in subsection (2) of this section.

[1984 c 7 § 71; 1977 ex.s. c 39 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 46.61.430 Authority of secretary of transportation to fix speed limits on limited access facilities exclusive--Local regulations.

Applicable Cases

Notwithstanding any law to the contrary or inconsistent herewith, the secretary of transportation shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may

have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed, and all such ordinances, rules, and regulations contrary to or inconsistent therewith now in force are void and of no effect.

[1977 ex.s. c 151 § 38; 1974 ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.435 Local authorities to provide "stop" or "yield" signs at intersections with increased speed highways--Designated as arterials.

Applicable Cases

The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every highway intersecting a highway where an increased speed is permitted, as provided in this chapter, appropriate stop or yield signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway.

[1975 c 62 § 33; 1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part. Formerly RCW 46.48.046.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

Designation of city streets as arterials, stopping on entering: RCW 46.61.195.

Traffic control signals or devices upon city streets forming part of state highways: RCW 46.61.085.

RCW 46.61.440 Maximum speed limit when passing school or playground crosswalks--Penalty, disposition of proceeds.

Applicable Cases

(1) Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

(2) A person found to have committed any infraction relating to speed restrictions within a school or playground speed zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(3) The school zone safety account is created in the custody of the state treasurer. Fifty percent of the moneys collected under subsection (2) of this section shall be deposited into the account. Expenditures from the account may be used only by the Washington traffic safety

commission solely to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas. Only the director of the traffic safety commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures until July 1, 1999, after which date moneys in the account may be spent only after appropriation.

[1997 c 80 § 2; 1996 c 114 § 1; 1975 c 62 § 34; 1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. §2531, part. Formerly RCW 46.48.023.]

Notes:

Effective date--1996 c 114: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 20, 1996]." [1996 c 114 § 2.]

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.445 Due care required.

Applicable Cases

Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

[1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

Notes:

Duty to use due care: RCW 46.61.400(1).

RCW 46.61.450 Maximum speed, weight, or size in traversing bridges, elevated structures, tunnels, underpasses--Posting limits.

Applicable Cases

It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel, or underpass is sign posted as hereinafter provided. The secretary of transportation, if it be a bridge, structure, tunnel, or underpass upon a state highway, or the governing body or authorities of any county, city, or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The secretary or the governing body or authorities of any

county, city, or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road, or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel, or underpass and on the approach thereto: PROVIDED, That in the event that any such bridge, elevated structure, tunnel, or underpass is upon a city street designated by the transportation commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel, or underpass can withstand or accommodate shall not be enforceable at any speed, weight, or size less than the maximum allowed by law, unless with the approval in writing of the secretary. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

[1977 ex.s. c 151 § 39; 1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

Notes:

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

RCW 46.61.455 Vehicles with solid or hollow cushion tires.

Applicable Cases

Except for vehicles equipped with temporary-use spare tires that meet federal standards, it shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour: PROVIDED, That the temporary-use spare tires are installed and used in accordance with the manufacturer's instructions.

[1990 c 105 § 3; 1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

RCW 46.61.460 Special speed limitation on motor-driven cycle.

Applicable Cases

No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead.

[1965 ex.s. c 155 § 57.]

RCW 46.61.465 Exceeding speed limit evidence of reckless driving.

Applicable Cases

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

[1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. §2531, part. Formerly RCW 46.48.026.]

RCW 46.61.470 Speed traps defined, certain types permitted--Measured courses, speed measuring devices, timing from aircraft.

Applicable Cases

(1) No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules, or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap except as provided in subsection (2) of this section. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap.

(2) Evidence shall be admissible against any person arrested or issued a notice of a traffic infraction for violation of any of the laws of this state or of any orders, rules, or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and either: (a) The limits of which are controlled by a mechanical, electrical, or other device capable of measuring or recording the speed of a vehicle passing within such limits; or (b) a timing device is operated from an aircraft, which timing device when used to measure the elapsed time of a vehicle passing over such a particular section of or distance upon a public highway indicates the speed of a vehicle.

(3) The exceptions of subsection (2) of this section are limited to devices or observations with a maximum error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits, and such limits shall not be closer than one-fourth mile.

[1981 c 105 § 1; 1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

RECKLESS DRIVING, DRIVING UNDER THE INFLUENCE, VEHICULAR

HOMICIDE AND ASSAULT

RCW 46.61.500 Reckless driving--Penalty.

Applicable Cases

(1) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Violation of the provisions of this section is a gross misdemeanor punishable by imprisonment of not more than one year and by a fine of not more than five thousand dollars.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days.

[1990 c 291 § 1; 1979 ex.s. c 136 § 85; 1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person involved in reckless driving: RCW 10.31.100.

Criminal history and driving record: RCW 46.61.513.

Embracing another while driving as reckless driving: RCW 46.61.665.

Excess speed as prima facie evidence of reckless driving: RCW 46.61.465.

Racing of vehicles on public highways, reckless driving: RCW 46.61.530.

Revocation of license, reckless driving: RCW 46.20.285.

RCW 46.61.502 Driving under the influence.

Applicable Cases

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged

driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

[1998 c 213 § 3; 1994 c 275 § 2; 1993 c 328 § 1; 1987 c 373 § 2; 1986 c 153 § 2; 1979 ex.s. c 176 § 1.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1998 c 213: See note following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, purpose--1987 c 373: "The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgement that the existing breath alcohol standard is legally improper or invalid." [1987 c 373 § 1.]

Severability--1987 c 373: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 373 § 8.]

Severability--1979 ex.s. c 176: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 176 § 8.]

Business operation of vessel or vehicle while intoxicated: RCW 9.91.020.

Criminal history and driving record: RCW 46.61.513.

Operating aircraft recklessly or under influence of intoxicants or drugs: RCW 47.68.220.

Use of vessel in reckless manner or while under influence of alcohol or drugs prohibited: RCW 79A.60.040.

RCW 46.61.503 Driver under twenty-one consuming alcohol--Penalties.

Applicable Cases

(1) Notwithstanding any other provision of this title, a person is guilty of driving or being in physical control of a motor vehicle after consuming alcohol if the person operates or is in physical control of a motor vehicle within this state and the person:

(a) Is under the age of twenty-one;

(b) Has, within two hours after operating or being in physical control of the motor vehicle, an alcohol concentration of at least 0.02 but less than the concentration specified in RCW 46.61.502, as shown by analysis of the person's breath or blood made under RCW 46.61.506.

(2) It is an affirmative defense to a violation of subsection (1) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving or being in physical control and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be in violation of subsection (1) of this section within two hours after driving or being in physical control. The court shall not admit evidence of this defense unless the defendant

notifies the prosecution prior to the earlier of: (a) Seven days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Analyses of blood or breath samples obtained more than two hours after the alleged driving or being in physical control may be used as evidence that within two hours of the alleged driving or being in physical control, a person had an alcohol concentration in violation of subsection (1) of this section.

(4) A violation of this section is a misdemeanor.

[1998 c 213 § 4; 1998 c 207 § 5; 1998 c 41 § 8; 1995 c 332 § 2; 1994 c 275 § 10. Formerly RCW 46.20.309.]

Notes:

Reviser's note: This section was amended by 1998 c 41 § 8, 1998 c 207 § 5, and by 1998 c 213 § 4, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1998 c 213: See note following RCW 46.20.308.

Effective date--1998 c 207: See note following RCW 46.61.5055.

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.504 Physical control of vehicle under the influence.

Applicable Cases

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged

being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) A violation of this section is a gross misdemeanor.

[1998 c 213 § 5; 1994 c 275 § 3; 1993 c 328 § 2; 1987 c 373 § 3; 1986 c 153 § 3; 1979 ex.s. c 176 § 2.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--1998 c 213: See note following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, purpose--Severability--1987 c 373: See notes following RCW 46.61.502.

Severability--1979 ex.s. c 176: See note following RCW 46.61.502.

Criminal history and driving record: RCW 46.61.513.

RCW 46.61.5054 Alcohol violators--Additional fee--Distribution.

Applicable Cases

(1)(a) In addition to penalties set forth in *RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055 thereafter, a one hundred twenty-five dollar fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the purpose of funding the Washington state toxicology laboratory and the Washington state patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(b) Upon a verified petition by the person assessed the fee, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender for an offense which, if committed by an adult, would constitute a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall assess the one hundred twenty-five dollar fee under (a) of this subsection. Upon a verified petition by a minor assessed the fee, the court may suspend payment of all or part of the fee if it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed as follows:

(a) Forty percent shall be subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

(b) The remainder of the fee shall be forwarded to the state treasurer who shall, through June 30, 1997, deposit: Fifty percent in the death investigations' account to be used solely for funding the state toxicology laboratory blood or breath testing programs; and fifty percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs. Effective July 1, 1997, the remainder of the fee shall be forwarded to the state treasurer who shall deposit: Fifteen percent in the death investigations' account to be used solely for funding the

state toxicology laboratory blood or breath testing programs; and eighty-five percent in the state patrol highway account to be used solely for funding activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

(3) This section applies to any offense committed on or after July 1, 1993.

[1995 c 398 § 15; 1995 c 332 § 13; 1994 c 275 § 7.]

Notes:

Reviser's note: *(1) RCW 46.61.5051, 46.61.5052, and 46.61.5053 were repealed by 1995 c 332 § 21, effective September 1, 1995.

(2) This section was amended by 1995 c 332 § 13 and by 1995 c 398 § 15, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.5055 Alcohol violators--Penalty schedule.

Applicable Cases

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's

physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume

during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not

be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(4) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether the person was driving or in physical control of a vehicle with one or more passengers at the time of the offense.

(5) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(6) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15, or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years.

For purposes of this subsection, the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(7) After expiration of any period of suspension, revocation, or denial of the offender's

license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(8)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i) and (ii) or (a)(i) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(9) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(10) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.150(4).

(11) For purposes of this section:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense.

[1999 c 324 § 5; 1999 c 274 § 6; 1999 c 5 § 1. Prior: 1998 c 215 § 1; 1998 c 214 §1; 1998 c 211 § 1; 1998 c 210 § 4; 1998 c 207 § 1; 1998 c 206 § 1; prior: 1997 c 229 § 11; 1997 c 66 § 14; 1996 c 307 § 3; 1995 1st sp.s. c 17 § 2; 1995 c 332 § 5.]

Notes:

Reviser's note: This section was amended by 1999 c 5 § 1, 1999 c 274 § 6, and by 1999 c 324 § 5, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1999 c 5: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1999 c 5 § 2.]

Effective date--1999 c 5: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 16, 1999]." [1999 c 5 § 3.]

Effective date--1998 c 214: "This act takes effect January 1, 1999." [1998 c 214 § 6.]

Effective date--1998 c 211: "This act takes effect January 1, 1999." [1998 c 211 § 7.]

Short title--Finding--Intent--Effective date--1998 c 210: See notes following RCW 46.20.720.

Effective date--1998 c 207: "This act takes effect January 1, 1999." [1998 c 207 § 12.]

Effective date--1997 c 229: See note following RCW 10.05.090.

Effective date--1995 1st sp.s. c 17: See note following RCW 46.20.355.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.61.5056 Alcohol violators--Information school--Evaluation and treatment.

Applicable Cases

(1) A person subject to alcohol assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

[1995 c 332 § 14; 1994 c 275 § 9.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.50571 Alcohol violators--Mandatory appearances.

Applicable Cases

(1) A defendant who is arrested for an offense involving driving while under the influence as defined in RCW 46.61.502, driving under age twenty-one after consuming alcohol

as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504, shall be required to appear in person before a magistrate within one judicial day after the arrest if the defendant is served with a citation or complaint at the time of the arrest. A court may by local court rule waive the requirement for appearance within one judicial day if it provides for the appearance at the earliest practicable day following arrest and establishes the method for identifying that day in the rule.

(2) A defendant who is charged by citation, complaint, or information with an offense involving driving while under the influence as defined in RCW 46.61.502, driving under age twenty-one after consuming alcohol as defined in RCW 46.61.503, or being in physical control of a vehicle while under the influence as defined in RCW 46.61.504, and who is not arrested, shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of an appearance required by this section, the court shall determine the necessity of imposing conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment.

(4) Appearances required by this section are mandatory and may not be waived.

[1999 c 114 § 1; 1998 c 214 § 5.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

RCW 46.61.5058 Alcohol violators--Vehicle seizure and forfeiture.

Applicable Cases

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.61.502 or 46.61.504 or any similar municipal ordinance, if such person has a prior offense within seven years as defined in RCW 46.61.5055, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established

that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On conviction for a violation of either RCW 46.61.502 or 46.61.504 or any similar municipal ordinance where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, is subject to seizure and forfeiture pursuant to this section.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture. The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the

district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under Title 46 RCW or is lawfully entitled to possession of the vehicle.

(7) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1)(a) or (c) of this section.

(8) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.

(9) Each seizing agency shall retain records of forfeited vehicles for at least seven years.

(10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.

(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(12) By January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year. Money remitted shall be deposited in the public safety and education account.

(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure; and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.

[1998 c 207 § 2; 1995 c 332 § 6; 1994 c 139 § 1.]

Notes:

Effective date--1998 c 207: See note following RCW 46.61.5055.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

RCW 46.61.506 Persons under influence of intoxicating liquor or drug--Evidence--Tests--Information concerning tests.

Applicable Cases

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

[1998 c 213 § 6; 1995 c 332 § 18; 1994 c 275 § 26; 1987 c 373 § 4; 1986 c 153 § 4; 1979 ex.s. c 176 § 5; 1975 1st ex.s. c 287 § 1; 1969 c 1 § 3 (Initiative Measure No. 242, approved November 5, 1968).]

Notes:

Rules of Court: *Evidence of Breathalyzer, BAC Verifier, simulator solution tests--CrRLJ 6.13.*

Effective date--1998 c 213: See note following RCW 46.20.308.

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, purpose--Severability--1987 c 373: See notes following RCW 46.61.502.

Severability--1979 ex.s. c 176: See note following RCW 46.61.502.

Severability, implied consent law--1969 c 1: See RCW 46.20.911.

Arrest of driver under influence of intoxicating liquor or drugs: RCW 10.31.100.

RCW 46.61.508 Liability of medical personnel withdrawing blood.

Applicable Cases

No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or utilizing services of such physician, registered nurse, or qualified technician, shall incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under the provisions of RCW 46.20.308, as now or hereafter amended: PROVIDED, That nothing in this section shall relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

[1977 ex.s. c 143 § 1.]

RCW 46.61.513 Criminal history and driving record.

Applicable Cases

(1) Immediately before the court defers prosecution under RCW 10.05.020, dismisses a charge, or orders a sentence for any offense listed in subsection (2) of this section, the court and prosecutor shall verify the defendant's criminal history and driving record. The order shall include specific findings as to the criminal history and driving record. For purposes of this section, the criminal history shall include all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in subsection (3) of this section before the date of the order. For purposes of this section, the driving record shall include all information reported to the court by the department of licensing.

(2) The offenses to which this section applies are violations of: (a) RCW 46.61.502 or an equivalent local ordinance; (b) RCW 46.61.504 or an equivalent local ordinance; (c) RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug; (d) RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug; and (e) RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522.

(3) The periods applicable to previous convictions and orders of deferred prosecution are: (a) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and (b) seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

[1998 c 211 § 5.]

Notes:

Effective date--1998 c 211: See note following RCW 46.61.5055.

RCW 46.61.5151 Sentences--Intermittent fulfillment--Restrictions.

Applicable Cases

A sentencing court may allow persons convicted of violating RCW 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in RCW 46.61.5055 in nonconsecutive or intermittent time periods. However, any mandatory minimum sentence under RCW 46.61.5055 shall be served consecutively unless suspended or deferred as otherwise provided by law.

[1995 c 332 § 15; 1994 c 275 § 39; 1983 c 165 § 33.]

Notes:

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.61.5152 Attendance at program focusing on victims.

Applicable Cases

In addition to penalties that may be imposed under RCW 46.61.5055, the court may require a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or who enters a deferred prosecution program under RCW 10.05.020 based on a violation of RCW 46.61.502 or 46.61.504, to attend an educational program focusing on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

[1998 c 41 § 9; 1994 c 275 § 40; 1992 c 64 § 1.]

Notes:

Intent--Construction--Effective date--1998 c 41: See notes following RCW 46.20.265.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

RCW 46.61.516 Qualified probation department defined.

Applicable Cases

A qualified probation department means a probation department for a district or municipal court that has a sufficient number of qualified alcohol assessment officers who meet the requirements of a qualified alcoholism counselor as provided by rule of the department of social and health services, except that the required hours of supervised work experience in an alcoholism agency may be satisfied by completing an equivalent number of hours of supervised work doing alcohol assessments within a probation department.

[1983 c 150 § 2.]

RCW 46.61.517 Refusal of alcohol test--Admissibility as evidence.

Applicable Cases

The refusal of a person to submit to a test of the alcoholic content of the person's blood or

breath under RCW 46.20.308 is admissible into evidence at a subsequent criminal trial.

[1987 c 373 § 5; 1986 c 64 § 2; 1985 c 352 § 21; 1983 c 165 § 27.]

Notes:

Legislative finding, purpose--Severability--1987 c 373: See notes following RCW 46.61.502.

Severability--1985 c 352: See note following RCW 10.05.010.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

RCW 46.61.519 Alcoholic beverages--Drinking or open container in vehicle on highway--Exceptions.

Applicable Cases

(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law, or to a privately-owned vehicle operated by a person possessing a valid operator's license endorsed for the appropriate classification under chapter 46.25 RCW in the course of his usual employment transporting passengers at the employer's direction: PROVIDED, That nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway.

[1989 c 178 § 26; 1984 c 274 § 1; 1983 c 165 § 28.]

Notes:

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Legislative finding, intent--Effective dates--Severability--1983 c 165: See notes following RCW 46.20.308.

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

RCW 46.61.5191 Local ordinances not prohibited.

Applicable Cases

Nothing in RCW 46.61.519 or RCW 46.61.5191 prohibits any city or town from enacting a local ordinance that proscribes the acts proscribed by those sections and that provides penalties equal to or greater than the penalties provided in those sections.

[1984 c 274 § 2.]

RCW 46.61.5195 Disguising alcoholic beverage container.

Applicable Cases

(1) It is a traffic infraction to incorrectly label the original container of an alcoholic beverage and to then violate RCW 46.61.519.

(2) It is a traffic infraction to place an alcoholic beverage in a container specifically labeled by the manufacturer of the container as containing a nonalcoholic beverage and to then violate RCW 46.61.519.

[1984 c 274 § 3.]

Notes:

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

RCW 46.61.520 Vehicular homicide--Penalty.

Applicable Cases

(1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the driving of any vehicle by any person, the driver is guilty of vehicular homicide if the driver was operating a motor vehicle:

(a) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502; or

(b) In a reckless manner; or

(c) With disregard for the safety of others.

(2) Vehicular homicide is a class A felony punishable under chapter 9A.20 RCW, except that, for a conviction under subsection (1)(a) of this section, an additional two years shall be added to the sentence for each prior offense as defined in RCW 46.61.5055.

[1998 c 211 § 2; 1996 c 199 § 7; 1991 c 348 § 1; 1983 c 164 § 1; 1975 1st ex.s. c 287 § 3; 1973 2nd ex.s. c 38 § 2; 1970 ex.s. c 49 § 5; 1965 ex.s. c 155 § 63; 1961 c 12 § 46.56.040. Prior: 1937 c 189 § 120; RRS § 6360-120. Formerly RCW 46.56.040.]

Notes:

Effective date--1998 c 211: See note following RCW 46.61.5055.

Severability--1996 c 199: See note following RCW 9.94A.120.

Effective date--1991 c 348: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 348 § 5.]

Severability--1973 2nd ex.s. c 38: See note following RCW 69.50.101.

Severability--1970 ex.s. c 49: See note following RCW 9.69.100.

Criminal history and driving record: RCW 46.61.513.

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

Suspension or revocation of license upon conviction of vehicular homicide or assault: RCW 46.20.285, 46.20.291.

RCW 46.61.522 Vehicular assault--Penalty.

Applicable Cases

(1) A person is guilty of vehicular assault if he operates or drives any vehicle:

(a) In a reckless manner, and this conduct is the proximate cause of serious bodily injury to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, and this conduct is the proximate cause of serious bodily injury to another.

(2) "Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

(3) Vehicular assault is a class B felony punishable under chapter 9A.20 RCW.

[1996 c 199 § 8; 1983 c 164 § 2.]

Notes:

Severability--1996 c 199: See note following RCW 9.94A.120.

Criminal history and driving record: RCW 46.61.513.

Ignition interlocks, biological, technical devices: RCW 46.20.710 through 46.20.750.

RCW 46.61.524 Vehicular homicide, assault--Evaluation, treatment of drug or alcohol problem.

Applicable Cases

(1) A person convicted under RCW 46.61.520(1)(a) or 46.61.522(1)(b) shall, as a condition of community supervision imposed under *RCW 9.94A.383 or community placement imposed under **RCW 9.94A.120(8), complete a diagnostic evaluation by an alcohol or drug dependency agency approved by the department of social and health services or a qualified probation department, as defined under RCW 46.61.516 that has been approved by the department of social and health services. This report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem that requires treatment, the person shall complete treatment in a program approved by the department of social and health services under chapter 70.96A RCW. If the person is found not to have an alcohol or drug problem that requires treatment, he or she shall complete a course in an information school approved by the department of social and health services under chapter 70.96A RCW. The convicted person shall pay all costs for any evaluation, education, or treatment required by this section, unless the person is eligible for an existing program offered or approved by the department of social and health services. Nothing in chapter 348, Laws of 1991 requires the addition of new treatment or assessment facilities nor affects the department of social and health services use of existing programs and facilities authorized by law.

(2) As provided for under RCW 46.20.285, the department shall revoke the license, permit to drive, or a nonresident privilege of a person convicted of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522. The department shall determine the eligibility of a person convicted of vehicular homicide under RCW 46.61.520(1)(a) or vehicular

assault under RCW 46.61.522(1)(b) to receive a license based upon the report provided by the designated alcoholism treatment facility or probation department, and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified.

[1991 c 348 § 2.]

Notes:

Reviser's note: *(1) RCW 9.94A.383 was amended by 1999 c 196 § 10, changing the term "community supervision" to "community custody."

***(2) RCW 9.94A.120 was amended by 1995 c 108 § 3, changing subsection (8) to subsection (9).

Effective date--1991 c 348: See note following RCW 46.61.520.

RCW 46.61.5249 Negligent driving--First degree.

Applicable Cases

(1)(a) A person is guilty of negligent driving in the first degree if he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property, and exhibits the effects of having consumed liquor or an illegal drug.

(b) It is an affirmative defense to negligent driving in the first degree by means of exhibiting the effects of having consumed an illegal drug that must be proved by the defendant by a preponderance of the evidence, that the driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.

(c) Negligent driving in the first degree is a misdemeanor.

(2) For the purposes of this section:

(a) "Negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(b) "Exhibiting the effects of having consumed liquor" means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(i) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(ii) Is shown by other evidence to have recently consumed liquor.

(c) "Exhibiting the effects of having consumed an illegal drug" means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug and either:

(i) Is in possession of an illegal drug; or

(ii) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the driver does not have a valid prescription or that is not being consumed in accordance with the

prescription directions and warnings.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

[1997 c 66 § 4.]

Notes:

Criminal history and driving record: RCW 46.61.513.

RCW 46.61.525 Negligent driving--Second degree.

Applicable Cases

(1)(a) A person is guilty of negligent driving in the second degree if, under circumstances not constituting negligent driving in the first degree, he or she operates a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property.

(b) It is an affirmative defense to negligent driving in the second degree that must be proved by the defendant by a preponderance of the evidence, that the driver was operating the motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent.

(c) Negligent driving in the second degree is a traffic infraction and is subject to a penalty of two hundred fifty dollars.

(2) For the purposes of this section, "negligent" means the failure to exercise ordinary care, and is the doing of some act that a reasonably careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances.

(3) Any act prohibited by this section that also constitutes a crime under any other law of this state may be the basis of prosecution under such other law notwithstanding that it may also be the basis for prosecution under this section.

[1997 c 66 § 5; 1996 c 307 § 1; 1979 ex.s. c 136 § 86; 1967 c 32 § 69; 1961 c 12 § 46.56.030. Prior: 1939 c 154 § 1; RRS § 6360-118 1/2. Formerly RCW 46.56.030.]

Notes:

Rules of Court: Negligent driving cases--CrRLJ 3.2.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Arrest of person involved in negligent driving: RCW 10.31.100.

Use of vessel in reckless manner or while under influence of alcohol or drugs prohibited: RCW 79A.60.040.

RCW 46.61.527 Roadway construction zones.

Applicable Cases

(1) The secretary of transportation shall adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway.

(2) No person may drive a vehicle in a roadway construction zone at a speed greater than

that allowed by traffic control devices.

(3) A person found to have committed any infraction relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the license or permit to drive or a nonresident driving privilege of a person convicted of reckless endangerment of roadway workers.

[1994 c 141 § 1.]

Notes:

Effective date--1994 c 141: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 28, 1994]." [1994 c 141 § 3.]

RCW 46.61.530 Racing of vehicles on highways--Reckless driving--Exception.

Applicable Cases

No person or persons may race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons who wilfully compare or contest relative speeds by operation of one or more motor vehicles shall be guilty of racing, which shall constitute reckless driving under RCW 46.61.500, whether or not such speed is in excess of the maximum speed prescribed by law: PROVIDED HOWEVER, That any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute racing.

[1979 ex.s. c 136 § 87; 1961 c 12 § 46.48.050. Prior: 1937 c 189 § 67; RRS § 6360-67; 1921 c 96 § 32; 1915 c 142 § 25; RRS § 6344. Formerly RCW 46.48.050.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.
Arrest of person involved in racing of vehicles: RCW 10.31.100.

RCW 46.61.535 Advertising of unlawful speed--Reckless driving.

Applicable Cases

It shall be unlawful for any manufacturer, dealer, distributor, or any person, firm, or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of

speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

[1979 ex.s. c 136 § 88; 1961 c 12 § 46.48.060. Prior: 1937 c 189 § 68; RRS § 6360-68. Formerly RCW 46.48.060.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.540 "Drugs," what included.

Applicable Cases

The word "drugs", as used in RCW 46.61.500 through 46.61.535, shall include but not be limited to those drugs and substances regulated by chapters 69.41 and 69.50 RCW.

[1975 1st ex.s. c 287 § 5.]

STOPPING, STANDING, AND PARKING

RCW 46.61.560 Stopping, standing, or parking outside business or residence districts.

Applicable Cases

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030 [36.58.040].

[1991 c 319 § 408; 1984 c 7 § 72; 1979 ex.s. c 178 § 20; 1977 c 24 § 2; 1965 ex.s. c 155 § 64.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--Part headings not law--1991 c 319: See RCW 70.95F.900 and 70.95F.901.

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1979 ex.s. c 178: See note following RCW 46.61.590.

Limited access highways: RCW 47.52.120.

Unattended motor vehicles: RCW 46.61.600.

RCW 46.61.570 Stopping, standing, or parking prohibited in specified places--Reserving portion of highway prohibited.

Applicable Cases

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

(i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(ii) On a sidewalk or street planting strip;

(iii) Within an intersection;

(iv) On a crosswalk;

(v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks;

(ix) In the area between roadways of a divided highway including crossovers; or

(x) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly signposted; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other

places except a time limit may be imposed or parking restricted at other places but such limitation and restriction shall be by city ordinance or county resolution or order of the secretary of transportation upon highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as is unlawful.

(4) It shall be unlawful for any person to reserve or attempt to reserve any portion of a highway for the purpose of stopping, standing, or parking to the exclusion of any other like person, nor shall any person be granted such right.

[1977 ex.s. c 151 § 40; 1975 c 62 § 35; 1965 ex.s. c 155 § 66.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability--1975 c 62: See note following RCW 36.75.010.

Limited access highways: RCW 47.52.120.

RCW 46.61.575 Additional parking regulations.

Applicable Cases

(1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within twelve inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the secretary of transportation has determined by order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The secretary with respect to highways under his or her jurisdiction may place official traffic control devices prohibiting, limiting, or restricting the stopping, standing, or parking of vehicles on any highway where the secretary has determined by order, such stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions indicated by such devices.

[1977 ex.s. c 151 § 41; 1975 c 62 § 36; 1965 ex.s. c 155 § 67.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070 and 47.98.080.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.577 Regulations governing parking facilities.

Applicable Cases

The secretary of transportation may adopt regulations governing the use and control of park and ride lots and other parking facilities operated by the department of transportation, including time limits for the parking of vehicles.

[1981 c 185 § 1.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.581 Disabled persons' parking spaces--Indication, access--Failure, penalty.

Applicable Cases

A parking space or stall for a disabled person shall be indicated by a vertical sign, between thirty-six and eighty-four inches off the ground, with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120 and the notice "State disabled parking permit required."

Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 2 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a class 2 civil infraction.

[1998 c 294 § 2; 1988 c 74 § 1; 1984 c 154 § 4.]

Notes:

Intent--Application--Severability--1984 c 154: See notes following RCW 46.16.381.

Accessible parking spaces required: RCW 70.92.140.

Disabled persons, special parking--Unauthorized use: RCW 46.16.381.

RCW 46.61.582 Free parking by disabled persons.

Applicable Cases

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

[1991 c 339 § 25; 1984 c 154 § 5.]

Notes:

Intent--Application--Severability--1984 c 154: See notes following RCW 46.16.381.

RCW 46.61.583 Special plate or card issued by another jurisdiction.

Applicable Cases

A special license plate or card issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate or card issued by this state.

[1991 c 339 § 26; 1984 c 51 § 2.]

RCW 46.61.585 Winter recreational parking areas--Special permit required.

Applicable Cases

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall park a vehicle in an area designated by an official sign that it is a winter recreational parking area unless such vehicle displays, in accordance with regulations adopted by the parks and recreation commission, a special winter recreational area parking permit or permits.

[1990 c 49 § 4; 1975 1st ex.s. c 209 § 5.]

Notes:

Severability--1975 1st ex.s. c 209: See note following RCW 79A.05.225.
Winter recreational parking areas: RCW 79A.05.225 through 79A.05.255.

RCW 46.61.587 Winter recreational parking areas--Penalty.

Applicable Cases

Any violation of RCW 79A.05.240 or 46.61.585 or any rule adopted by the parks and recreation commission to enforce the provisions thereof is a civil infraction as provided in chapter 7.84 RCW.

[1999 c 249 § 501; 1984 c 258 § 329; 1977 c 57 § 1; 1975 1st ex.s. c 209 § 6.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1999 c 249: See note following RCW 79A.05.010.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Severability--1975 1st ex.s. c 209: See note following RCW 79A.05.225.

RCW 46.61.590 Unattended motor vehicle--Removal from highway.

Applicable Cases

It is unlawful for the operator of a vehicle to leave the vehicle unattended within the limits of any highway unless the operator of the vehicle arranges for the prompt removal of the vehicle.

[1979 ex.s. c 178 § 1.]

Notes:

Severability--1979 ex.s. c 178: "If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 178 § 23.]

Towing and impoundment: Chapter 46.55 RCW.

MISCELLANEOUS RULES

RCW 46.61.600 Unattended motor vehicle.

Applicable Cases

(1) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(2) The most recent driver of a motor vehicle which the driver has left standing unattended, who learns that the vehicle has become set in motion and has struck another vehicle or property, or has caused injury to any person, shall comply with the requirements of:

(a) RCW 46.52.010 if his vehicle strikes an unattended vehicle or property adjacent to a public highway; or

(b) RCW 46.52.020 if his vehicle causes damage to an attended vehicle or other property or injury to any person.

(3) Any person failing to comply with subsection (2)(b) of this section shall be subject to the sanctions set forth in RCW 46.52.020.

[1980 c 97 § 2; 1965 ex.s. c 155 § 68.]

Notes:

Effective date--1980 c 97: See note following RCW 46.52.020.

RCW 46.61.605 Limitations on backing.

Applicable Cases

(1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway.

[1965 ex.s. c 155 § 69.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.61.606 Driving on sidewalk prohibited--Exception.

Applicable Cases

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

[1975 c 62 § 45.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.608 Operating motorcycles on roadways laned for traffic.

Applicable Cases

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

[1975 c 62 § 46.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.610 Riding on motorcycles.

Applicable Cases

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator: PROVIDED, HOWEVER, That the motorcycle must contain foot pegs, of a type approved by the *equipment commission, for each person such motorcycle is designed to carry.

[1975 c 62 § 37; 1967 c 232 § 5; 1965 ex.s. c 155 § 70.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

***Reviser's note:** The duties of the commission on equipment were transferred to the state patrol by 1987 c 330 (see RCW 46.37.005).

Severability--1975 c 62: See note following RCW 36.75.010.

Equipment regulations for motorcycles, motor-driven cycles, mopeds, or electric-assisted bicycles: RCW 46.37.530, 46.37.535.

Mopeds: RCW 46.16.630, 46.61.710, 46.61.720.

RCW 46.61.611 Motorcycles--Maximum height for handlebars.

Applicable Cases

No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than thirty inches higher than the seat or saddle for the operator.

[1999 c 275 § 1; 1967 c 232 § 6.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.612 Riding on motorcycles--Position of feet.

Applicable Cases

No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle.

[1967 c 232 § 7.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.613 Motorcycles--Temporary suspension of restrictions for parades or public demonstrations.

Applicable Cases

The provisions of RCW 46.37.530 and 46.61.610 through 46.61.612 may be temporarily suspended by the chief of the Washington state patrol, or his designee, with respect to the operation of motorcycles within their respective jurisdictions in connection with a parade or public demonstration.

[1967 c 232 § 8.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.614 Riding on motorcycles--Clinging to other vehicles.

Applicable Cases

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

[1975 c 62 § 47.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.615 Obstructions to driver's view or driving mechanism.

Applicable Cases

(1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the

vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

[1965 ex.s. c 155 § 71.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.620 Opening and closing vehicle doors.

Applicable Cases

No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers.

[1965 ex.s. c 155 § 72.]

RCW 46.61.625 Riding in trailers or towed vehicles.

Applicable Cases

(1) No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position.

(2) No person or persons may occupy a vehicle while it is being towed by a tow truck as defined in RCW 46.55.010.

[1999 c 398 § 9; 1995 c 360 § 10; 1965 ex.s. c 155 § 73.]

RCW 46.61.630 Coasting prohibited.

Applicable Cases

(1) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

[1965 ex.s. c 155 § 74.]

RCW 46.61.635 Following fire apparatus prohibited.

Applicable Cases

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or stop such vehicle within five hundred feet of any fire apparatus stopped in answer to a fire alarm.

[1975 c 62 § 38; 1965 ex.s. c 155 § 75.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.640 Crossing fire hose.

Applicable Cases

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

[1965 ex.s. c 155 § 76.]

RCW 46.61.645 Throwing dangerous materials on highway prohibited--Removal.

Applicable Cases

(1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

[1965 ex.s. c 155 § 77.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Lighted material, disposal of: RCW 76.04.455.

Littering: Chapter 70.93 RCW.

RCW 46.61.655 Dropping load, other materials--Covering.

Applicable Cases

(1) No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so

as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods, and practices to effectuate such provisions.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

[1990 c 250 § 56; 1986 c 89 § 1; 1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1971 ex.s. c 307: See RCW 70.93.900.

Littering: Chapter 70.93 RCW.

Transporting waste to landfills: RCW 70.93.097.

RCW 46.61.660 Carrying persons or animals on outside part of vehicle.

Applicable Cases

It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles or to solid waste collection vehicles that are engaged in collecting solid waste or recyclables on route at speeds of twenty miles per hour or less.

[1997 c 190 § 1; 1961 c 12 § 46.56.070. Prior: 1937 c 189 § 115; RRS § 6360-115. Formerly RCW 46.56.070.]

RCW 46.61.665 Embracing another while driving.

Applicable Cases

It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Operation of a motor vehicle in violation of this section is prima facie evidence of reckless driving.

[1979 ex.s. c 136 § 89; 1961 c 12 § 46.56.100. Prior: 1937 c 189 § 117; RRS § 6360-117; 1927 c 309 § 49; RRS § 6362-49. Formerly RCW 46.56.100.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.670 Driving with wheels off roadway.

Applicable Cases

It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except as permitted by RCW 46.61.428 or for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

[1977 ex.s. c 39 § 2; 1961 c 12 § 46.56.130. Prior: 1937 c 189 § 96; RRS § 6360-96. Formerly RCW 46.56.130.]

RCW 46.61.675 Causing or permitting vehicle to be unlawfully operated.

Applicable Cases

It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law.

[1961 c 12 § 46.56.200. Prior: 1937 c 189 § 148; RRS § 6360-148. Formerly RCW 46.56.200.]

RCW 46.61.680 Lowering passenger vehicle below legal clearance--Penalty.

Applicable Cases

It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

Violation of the provisions of this section is a traffic infraction.

[1979 ex.s. c 136 § 90; 1961 c 151 § 1. Formerly RCW 46.56.220.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.61.685 Leaving children unattended in standing vehicle with motor running--Penalty.

Applicable Cases

It is unlawful for any person, while operating or in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended in the vehicle.

Any person violating the provisions of this section is guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of this section, the department shall revoke the operator's license of such person.

[1990 c 250 § 57; 1961 c 151 § 2. Formerly RCW 46.56.230.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--1990 c 250: See note following RCW 46.16.301.

Leaving children unattended in parked automobile while entering tavern, etc.: RCW 9.91.060.

RCW 46.61.687 Child passenger restraint required--Conditions--Exceptions--Penalty for violation--Dismissal--Noncompliance not negligence.

Applicable Cases

(1) Whenever a child who is less than ten years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than three years of age, the child shall be properly restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than ten but at least three years of age, the child shall be restrained either as specified in (a) of this subsection or with a safety belt properly adjusted and fastened around the child's body.

(2) A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, and (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals.

[1994 c 100 § 1; 1993 c 274 § 1; 1987 c 330 § 745; 1983 c 215 § 2.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1983 c 215: See note following RCW 46.37.505.

Standards for child passenger restraint systems: RCW 46.37.505.

RCW 46.61.688 Safety belts, use required--Penalties--Exemptions.

Applicable Cases

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of Title 46 RCW or an equivalent local ordinance or some other offense.

(8) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(9) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

[1990 c 250 § 58; 1986 c 152 § 1.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Study of effectiveness--1986 c 152: "The traffic safety commission shall undertake a study of the effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989." [1986 c 152 § 3.]

Physicians--Immunity from liability regarding safety belts: RCW 4.24.235.

Seat belts and shoulder harnesses, required equipment: RCW 46.37.510.

RCW 46.61.690 Violations relating to toll facilities.

Applicable Cases

Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, or any political

subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:

(1) Such person refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious or counterfeit tickets, coupons, or tokens for payment of any such tolls, or

(2) Such person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns, or

(3) Such person refuses to move a vehicle through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls.

[1983 c 247 § 1; 1979 ex.s. c 136 § 91; 1961 c 259 § 1. Formerly RCW 46.56.240.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1961 c 259: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 259 § 2.]

RCW 46.61.700 Parent or guardian shall not authorize or permit violation by a child or ward.

Applicable Cases

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

[1965 ex.s. c 155 § 78.]

Notes:

Reviser's note: This section was enacted just before sections about the operation of bicycles and play vehicles and was accordingly so codified in 1965. Other sections enacted later have been codified under the numbers remaining between RCW 46.61.700 and 46.61.750. The section appears in the Uniform Vehicle Code (1962) as part of the first section of Article XII--Operation of Bicycles and Play Vehicles.

Captions used herein, not part of the law: RCW 46.61.990.

Unlawful to allow unauthorized child or ward to drive: RCW 46.20.024.

RCW 46.61.710 Mopeds, electric-assisted bicycles--General requirements and operation.

Applicable Cases

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped or an electric-assisted bicycle on a fully controlled limited

access highway or on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles may have access to highways of the state to the same extent as bicycles. Electric-assisted bicycles may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles.

[1997 c 328 § 5; 1979 ex.s. c 213 § 8.]

RCW 46.61.720 Mopeds--Safety standards.

Applicable Cases

Mopeds shall comply with those federal motor vehicle safety standards established under the national traffic vehicle safety act of 1966 (15 U.S.C. Sec. 1381, et. seq.) which are applicable to a motor-driven cycle, as that term is defined in such federal standards.

[1979 ex.s. c 213 § 9.]

Notes:

Mopeds

drivers' licenses, motorcycle endorsement, moped exemption: RCW 46.20.500.

registration: RCW 46.16.630.

RCW 46.61.730 Wheelchair conveyances.

Applicable Cases

(1) No person may operate a wheelchair conveyance on any public roadway with a posted speed limit in excess of thirty-five miles per hour.

(2) No person other than a wheelchair-bound person may operate a wheelchair conveyance on a public roadway.

(3) Every wheelchair-bound person operating a wheelchair conveyance upon a roadway is granted all the rights and is subject to all the duties applicable to the driver of a vehicle by this chapter, except those provisions that by their nature can have no application.

(4) A violation of this section is a traffic infraction.

[1983 c 200 § 5.]

Notes:

Severability--1983 c 200: See note following RCW 46.04.710.

Wheelchair conveyances

definitions: RCW 46.04.710.

licensing: RCW 46.16.640.

operator's license: RCW 46.20.109.

safety standards: RCW 46.37.610.

OPERATION OF NONMOTORIZED VEHICLES

RCW 46.61.750 Effect of regulations--Penalty.

Applicable Cases

(1) It is a traffic infraction for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles apply whenever a bicycle is operated upon any highway or upon any bicycle path, subject to those exceptions stated herein.

[1982 c 55 § 6; 1979 ex.s. c 136 § 92; 1965 ex.s. c 155 § 79.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Bicycle awareness program: RCW 43.43.390.

"Bicycle" defined: RCW 46.04.071.

RCW 46.61.755 Traffic laws apply to persons riding bicycles.

Applicable Cases

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in RCW 46.61.750 through 46.61.780 and except as to those provisions of this chapter which by their nature can have no application.

[1965 ex.s. c 155 § 80.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.758 Hand signals.

Applicable Cases

All hand signals required of persons operating bicycles shall be given in the following manner:

(1) Left turn. Left hand and arm extended horizontally beyond the side of the bicycle;

(2) Right turn. Left hand and arm extended upward beyond the side of the bicycle, or right hand and arm extended horizontally to the right side of the bicycle;

(3) Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle.

The hand signals required by this section shall be given before initiation of a turn.

[1982 c 55 § 8.]

RCW 46.61.760 Riding on bicycles.

Applicable Cases

(1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which

it is designed and equipped.

[1965 ex.s. c 155 § 81.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.765 Clinging to vehicles.

Applicable Cases

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

[1965 ex.s. c 155 § 82.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.770 Riding on roadways and bicycle paths.

Applicable Cases

(1) Every person operating a bicycle upon a roadway at a rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction. A person operating a bicycle upon a roadway or highway other than a limited-access highway, which roadway or highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near to the left side of the left through lane as is safe. A person operating a bicycle upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane if such exists.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

[1982 c 55 § 7; 1974 ex.s. c 141 § 14; 1965 ex.s. c 155 § 83.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

Use of bicycles on limited-access highways: RCW 46.61.160.

RCW 46.61.775 Carrying articles.

Applicable Cases

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

[1965 ex.s. c 155 § 84.]

Notes:

Rules of Court: Monetary penalty schedule--IRLJ 6.2.

RCW 46.61.780 Lamps and other equipment on bicycles.

Applicable Cases

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state patrol which shall be visible from all distances up to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector. A light-emitting diode flashing taillight visible from a distance of five hundred feet to the rear may also be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

[1998 c 165 § 17; 1987 c 330 § 746; 1975 c 62 § 39; 1965 ex.s. c 155 § 85.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Short title--1998 c 165: See note following RCW 43.59.010.

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1975 c 62: See note following RCW 36.75.010.

RCW 46.61.990 Recodification of sections--Organization of chapter--Construction.

Applicable Cases

Sections 1 through 52 and 54 through 86 of chapter 155, Laws of 1965 ex. sess. are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55, and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, and 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS", "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY--OVERTAKING AND PASSING--USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRUG, AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF NONMOTORIZED VEHICLES". Such captions shall not constitute any part of the law.

[1991 c 290 § 5; 1991 c 214 § 3; 1965 ex.s. c 155 § 92.]

Notes:

Reviser's note: This section was amended by 1991 c 214 § 3 and by 1991 c 290 § 5, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 46.61.991 Severability--1965 ex.s. c 155.

Applicable Cases

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

[1965 ex.s. c 155 § 93.]

**Chapter 46.63 RCW
DISPOSITION OF TRAFFIC INFRACTIONS**

RCW

46.63.010	Legislative intent.
46.63.020	Violations as traffic infractions--Exceptions.
46.63.030	Notice of traffic infraction--Issuance--Abandoned vehicles.
46.63.040	Jurisdiction of courts--Jurisdiction of college and university governing bodies.
46.63.050	Training of judicial officers.
46.63.060	Notice of traffic infraction--Determination final unless contested--Form.
46.63.070	Response to notice--Contesting determination--Hearing--Failure to respond or appear.
46.63.080	Hearings--Rules of procedure--Counsel.
46.63.090	Hearings--Contesting determination that infraction committed--Appeal.
46.63.100	Hearings--Explanation of mitigating circumstances.
46.63.110	Monetary penalties.
46.63.120	Order of court--Civil nature--Waiver, reduction, suspension of penalty--Community service.
46.63.130	Issue of process by court of limited jurisdiction.
46.63.140	Presumption regarding stopped, standing, or parked vehicles.
46.63.151	Costs and attorney fees.

Notes:

Traffic and civil infraction cases involving juveniles under age sixteen: RCW 13.40.250.

RCW 46.63.010 Legislative intent.

Applicable Cases

It is the legislative intent in the adoption of this chapter in decriminalizing certain traffic offenses to promote the public safety and welfare on public highways and to facilitate the implementation of a uniform and expeditious system for the disposition of traffic infractions.

[1979 ex.s. c 136 § 1.]

Notes:

Effective date--1979 ex.s. c 136: "The provisions of chapter 136, Laws of 1979 ex. sess. and this 1980 act shall take effect on January 1, 1981, and shall apply to violations of the traffic laws committed on or after January 1, 1981." [1980 c 128 § 9; 1979 ex.s. c 136 § 111.]

Severability--1979 ex.s. c 136: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 136 § 110.]

RCW 46.63.020 Violations as traffic infractions--Exceptions.

Applicable Cases

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (10) RCW 46.20.005 relating to driving without a valid driver's license;
- (11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (12) *RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (14) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (15) **RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;
- (17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

- (18) RCW 46.25.170 relating to commercial driver's licenses;
- (19) Chapter 46.29 RCW relating to financial responsibility;
- (20) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (21) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (22) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (23) RCW 46.48.175 relating to the transportation of dangerous articles;
- (24) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (25) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (26) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (29) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (30) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (32) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (34) RCW 46.61.500 relating to reckless driving;
- (35) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (36) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;
- (37) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (38) RCW 46.61.522 relating to vehicular assault;
- (39) RCW 46.61.5249 relating to first degree negligent driving;
- (40) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
- (41) RCW 46.61.530 relating to racing of vehicles on highways;
- (42) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (43) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (44) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (45) Chapter 46.65 RCW relating to habitual traffic offenders;
- (46) RCW 46.68.010 relating to false statements made to obtain a refund;
- (47) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (48) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

- (49) RCW 46.72A.060 relating to limousine carrier insurance;
- (50) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
- (51) RCW 46.72A.080 relating to false advertising by a limousine carrier;
- (52) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (53) Chapter 46.82 RCW relating to driver's training schools;
- (54) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (55) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

[1999 c 86 § 6; 1998 c 294 § 3. Prior: 1997 c 229 § 13; 1997 c 66 § 8; prior: 1996 c 307 § 6; 1996 c 287 § 7; 1996 c 93 § 3; 1996 c 87 § 21; 1996 c 31 § 3; prior: 1995 1st sp.s. c 16 § 1; 1995 c 332 § 16; 1995 c 256 § 25; prior: 1994 c 275 § 33; 1994 c 141 § 2; 1993 c 501 § 8; 1992 c 32 § 4; 1991 c 339 § 27; prior: 1990 c 250 § 59; 1990 c 95 § 3; prior: 1989 c 353 § 8; 1989 c 178 § 27; 1989 c 111 § 20; prior: 1987 c 388 § 11; 1987 c 247 § 6; 1987 c 244 § 55; 1987 c 181 § 2; 1986 c 186 § 3; prior: 1985 c 377 § 28; 1985 c 353 § 2; 1985 c 302 § 7; 1983 c 164 § 6; 1982 c 10 § 12; prior: 1981 c 318 § 2; 1981 c 19 § 1; 1980 c 148 § 7; 1979 ex.s. c 136 § 2.]

Notes:

Reviser's note: *(1) RCW 46.20.336 was recodified as RCW 46.20.0921 pursuant to 1999 c 6 § 28.

***(2) RCW 46.20.420 was recodified as RCW 46.20.345, June 1999.

Effective date--1997 c 229: See note following RCW 10.05.090.

Effective date--1995 1st sp.s. c 16: "This act shall take effect September 1, 1995." [1995 1st sp.s. c 16 § 2.]

Severability--Effective dates--1995 c 332: See notes following RCW 46.20.308.

Short title--Effective date--1994 c 275: See notes following RCW 46.04.015.

Effective date--1994 c 141: See note following RCW 46.61.527.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--Effective date--1989 c 353: See RCW 46.30.900 and 46.30.901.

Severability--Effective dates--1989 c 178: See RCW 46.25.900 and 46.25.901.

Severability--1987 c 388: See note following RCW 46.20.342.

Effective dates--1987 c 244: See note following RCW 46.12.020.

Severability--Effective date--1985 c 377: See RCW 46.55.900 and 46.55.902.

Severability--1982 c 10: See note following RCW 6.13.080.

Severability--1981 c 19: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 19 § 7.]

Effective date--1980 c 148: See note following RCW 46.10.090.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.030 Notice of traffic infraction--Issuance--Abandoned vehicles.

Applicable Cases

- (1) A law enforcement officer has the authority to issue a notice of traffic infraction:
 - (a) When the infraction is committed in the officer's presence;
 - (b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or
 - (c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a

traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

[1995 c 219 § 5; 1994 c 176 § 3; 1987 c 66 § 2; 1980 c 128 § 10; 1979 ex.s. c 136 § 3.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.040 Jurisdiction of courts--Jurisdiction of college and university governing bodies.

Applicable Cases

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

[1984 c 258 § 137; 1983 c 221 § 2; 1979 ex.s. c 136 § 6.]

Notes:

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Application--1984 c 258 §§ 101-139: See note following RCW 3.50.005.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.050 Training of judicial officers.

Applicable Cases

All judges and court commissioners adjudicating traffic infractions shall complete such training requirements as are promulgated by the supreme court.

[1979 ex.s. c 136 § 7.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.060 Notice of traffic infraction--Determination final unless contested--Form.

Applicable Cases

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial; that the penalty for a traffic infraction related to standing, stopping, or parking may include nonrenewal of the vehicle license;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within fifteen days or the person's driver's license or driving privilege will be suspended by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the suspension of the person's driver's license or driving privilege, or in the case of a standing, stopping, or parking violation, refusal of the department to renew the vehicle license, until any penalties imposed pursuant to this chapter have been satisfied;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter.

[1993 c 501 § 9; 1984 c 224 § 2; 1982 1st ex.s. c 14 § 2; 1980 c 128 § 1; 1979 ex.s. c 136 § 8.]

Notes:

Severability--Effective date--1984 c 224: See notes following RCW 46.16.216.

Effective date--1982 1st ex.s. c 14: "This act shall take effect on July 1, 1984, and shall apply to violations of traffic laws committed on or after July 1, 1984." [1982 1st ex.s. c 14 § 7.]

Severability--1982 1st ex.s. c 14: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 1st ex.s. c 14 § 6.]

Effective date--1980 c 128: "Sections 1 through 8 and 10 through 16 of this act shall take effect on January 1, 1981, and shall apply to violations of the traffic laws committed on or after January 1, 1981. Section 9 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately." [1980 c 128 § 18.]

Severability--1980 c 128: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 128 § 17.]

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.070 Response to notice--Contesting determination--Hearing--Failure to respond or appear.

Applicable Cases

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the

person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) If any person issued a notice of traffic infraction:

(a) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(b) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section; the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

[1993 c 501 § 10; 1984 c 224 § 3; 1982 1st ex.s. c 14 § 3; 1980 c 128 § 2; 1979 ex.s. c 136 § 9.]

Notes:

Severability--Effective date--1984 c 224: See notes following RCW 46.16.216.

Effective date--Severability--1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.080 Hearings--Rules of procedure--Counsel.

Applicable Cases

(1) Procedures for the conduct of all hearings provided for in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, or town may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

[1981 c 19 § 2; 1979 ex.s. c 136 § 10.]

Notes:

Severability--1981 c 19: See note following RCW 46.63.020.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.090 Hearings--Contesting determination that infraction committed--Appeal.

Applicable Cases

(1) A hearing held for the purpose of contesting the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of traffic infraction and any other written report made under oath submitted by the officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the officer, and has the right to present evidence and examine witnesses present in court.

(3) The burden of proof is upon the state to establish the commission of the infraction by

a preponderance of the evidence.

(4) After consideration of the evidence and argument the court shall determine whether the infraction was committed. Where it has not been established that the infraction was committed an order dismissing the notice shall be entered in the court's records. Where it has been established that the infraction was committed an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(5) An appeal from the court's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.

[1980 c 128 § 3; 1979 ex.s. c 136 § 11.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.100 Hearings--Explanation of mitigating circumstances.

Applicable Cases

(1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the infraction an appropriate order shall be entered in the court's records. A record of the court's determination and order shall be furnished to the department in accordance with RCW 46.20.270 as now or hereafter amended.

(3) There may be no appeal from the court's determination or order.

[1979 ex.s. c 136 § 12.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.110 Monetary penalties.

Applicable Cases

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance,

regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

[1997 c 331 § 3; 1993 c 501 § 11; 1986 c 213 § 2; 1984 c 258 § 330. Prior: 1982 1st ex.s. c 14 § 4; 1982 1st ex.s. c 12 § 1; 1982 c 10 § 13; prior: 1981 c 330 § 7; 1981 c 19 § 6; 1980 c 128 § 4; 1979 ex.s. c 136 § 13.]

Notes:

Rules of Court: *Monetary penalty schedule--IRLJ 6.2.*

Effective date--1997 c 331: See note following RCW 70.168.135.

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Intent--1984 c 258: See note following RCW 3.46.120.

Effective date--Severability--1982 1st ex.s. c 14: See notes following RCW 46.63.060.

Severability--1982 c 10: See note following RCW 6.13.080.

Severability--1981 c 330: See note following RCW 3.62.060.

Severability--1981 c 19: See note following RCW 46.63.020.

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Additional statutory assessments: RCW 3.62.090.

RCW 46.63.120 Order of court--Civil nature--Waiver, reduction, suspension of penalty--Community service.

Applicable Cases

(1) An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

(2) The court may include in the order the imposition of any penalty authorized by the provisions of this chapter for the commission of an infraction. The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the then state minimum wage per hour.

[1979 ex.s. c 136 § 14.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.63.130 Issue of process by court of limited jurisdiction.

Applicable Cases

Notwithstanding any other provisions of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged traffic infraction may issue process anywhere within the state.

[1980 c 128 § 5.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

RCW 46.63.140 Presumption regarding stopped, standing, or parked vehicles.

Applicable Cases

(1) In any traffic infraction case involving a violation of this title or equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the notice of traffic infraction was stopping, standing, or parking in violation of any such provision of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred.

(2) The foregoing stated presumption shall apply only when the procedure prescribed in RCW 46.63.030(3) has been followed.

[1980 c 128 § 11.]

Notes:

Effective date--Severability--1980 c 128: See notes following RCW 46.63.060.

RCW 46.63.151 Costs and attorney fees.

Applicable Cases

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

[1991 sp.s. c 25 § 3; 1981 c 19 § 4.]

Notes:

Severability--1981 c 19: See note following RCW 46.63.020.

**Chapter 46.64 RCW
ENFORCEMENT**

RCW

46.64.010	Traffic citations--Record of--Cancellation prohibited--Penalty--Citation audit.
46.64.015	Citation and notice to appear in court--Issuance--Contents--Written promise--Arrest--Detention.
46.64.018	Arrest without warrant for certain traffic offenses.
46.64.025	Failure to appear--Notice to department.
46.64.030	Procedure governing arrest and prosecution.
46.64.035	Posting of security or bail by nonresident--Penalty.
46.64.040	Nonresident's use of highways--Resident leaving state--Secretary of state as attorney in fact.
46.64.048	Attempting, aiding, abetting, coercing, committing violations, punishable.
46.64.050	General penalty.
46.64.060	Stopping motor vehicles for driver's license check, vehicle inspection and test--Purpose.
46.64.070	Stopping motor vehicles for driver's license check, vehicle inspection and test--Authorized--Powers additional.

RCW 46.64.010 Traffic citations--Record of--Cancellation prohibited--Penalty--Citation audit.

Applicable Cases

Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the

issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Every record of traffic citations required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible.

[1961 c 12 § 46.64.010. Prior: 1949 c 196 § 16; 1937 c 189 § 145; Rem. Supp. 1949 § 6360-145.]

RCW 46.64.015 Citation and notice to appear in court--Issuance--Contents--Written promise--Arrest--Detention.

Applicable Cases

Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor or by imposition of a fine, the arresting officer may serve upon him or her a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense or violation charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his or her written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer, and if the arrested person is a nonresident of the state, shall also post a bond, cash security, or bail as required under RCW 46.64.035. An officer may not serve or issue any traffic citation or notice for any offense or violation except either when the offense or violation is committed in his or her presence or when a person may be arrested pursuant to RCW 10.31.100, as now or hereafter amended. The detention arising from an arrest under this section may not be for a period of time longer than is reasonably necessary to issue and serve a citation and notice, except that the time limitation does not apply under any of the following circumstances:

- (1) Where the arrested person refuses to sign a written promise to appear in court as required by the citation and notice provisions of this section;
- (2) Where the arresting officer has probable cause to believe that the arrested person has committed any of the offenses enumerated in RCW 10.31.100(3), as now or hereafter amended;

(3) When the arrested person is a nonresident and is being detained for a hearing under RCW 46.64.035.

[1987 c 345 § 2; 1985 c 303 § 11; 1979 ex.s. c 28 § 2; 1975-'76 2nd ex.s. c 95 § 2; 1975 c 56 § 1; 1967 c 32 § 70; 1961 c 12 § 46.64.015. Prior: 1951 c 175 § 1.]

RCW 46.64.018 Arrest without warrant for certain traffic offenses.

Applicable Cases

See RCW 10.31.100.

RCW 46.64.025 Failure to appear--Notice to department.

Applicable Cases

Whenever any person violates his or her written promise to appear in court, or fails to appear for a scheduled court hearing, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

[1999 c 86 § 7; 1979 c 158 § 175; 1967 c 32 § 71; 1965 ex.s. c 121 § 23.]

Notes:

Severability--1965 ex.s. c 121: See RCW 46.20.910.

Purpose--Construction--1965 ex.s. c 121: See note following RCW 46.20.021.

RCW 46.64.030 Procedure governing arrest and prosecution.

Applicable Cases

The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses either committed in their presence or believed to have been committed based on probable cause pursuant to RCW 10.31.100, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

[1979 ex.s. c 28 § 3; 1975 c 56 § 2; 1967 c 32 § 72; 1961 c 12 § 46.64.030. Prior: 1937 c 189 § 147; RRS § 6360-147.]

RCW 46.64.035 Posting of security or bail by nonresident--Penalty.

Applicable Cases

Any nonresident of the state of Washington who is issued a notice of infraction or a citation for a traffic offense may be required to post either a bond or cash security in the amount of the infraction penalty or to post bail. The court shall by January 1, 1990, accept, in lieu of bond or cash security, valid major credit cards issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the state. If payment is made by credit card the court is authorized to impose, in addition to any penalty or fine, an amount equal to the charge to the court for accepting such cards. If the person

cannot post the bond, cash security, or bail, he or she shall be taken to a magistrate or judge for a hearing at the first possible working time of the court. If the person refuses to comply with this section, he or she shall be guilty of a misdemeanor. This section does not apply to residents of states that have entered into a reciprocal agreement as outlined in RCW 46.23.020.

[1987 c 345 § 3.]

RCW 46.64.040 Nonresident's use of highways--Resident leaving state--Secretary of state as attorney in fact.

Applicable Cases

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his or her operation of a vehicle thereon, or the operation thereon of his or her vehicle with his or her consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his or her vehicle is being operated thereon with his or her consent, express or implied, and such operation and acceptance shall be a signification of the nonresident's agreement that any summons or process against him or her which is so served shall be of the same legal force and validity as if served on the nonresident personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his or her lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee established by the secretary of state by rule with the secretary of state of the state of Washington, or at the secretary of state's office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that the attorney has with due diligence attempted to serve personal process upon the defendant at all addresses known to him or her of defendant and further listing in his or her affidavit the addresses at which he or she attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to

the defendant at the defendant's address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee paid by the plaintiff to the secretary of state shall be taxed as part of his or her costs if he or she prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

[1993 c 269 § 16; 1982 c 35 § 197; 1973 c 91 § 1; 1971 ex.s. c 69 § 1; 1961 c 12 § 46.64.040. Prior: 1959 c 121 § 1; 1957 c 75 § 1; 1937 c 189 § 129; RRS § 6360-129.]

Notes:

Rules of Court: *Cf. CR 12(a).*

Effective date--1993 c 269: See note following RCW 23.86.070.

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.

Deposit of fees in secretary of state's revolving fund: RCW 43.07.130.

RCW 46.64.048 Attempting, aiding, abetting, coercing, committing violations, punishable.

Applicable Cases

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a traffic infraction or a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or willfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense.

[1990 c 250 § 60; 1961 c 12 § 46.56.210. Prior: 1937 c 189 § 149; RRS § 6360-149. Formerly RCW 46.61.695.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.64.050 General penalty.

Applicable Cases

It is a traffic infraction for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony, a gross misdemeanor, or a misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

[1979 ex.s. c 136 § 93; 1975-'76 2nd ex.s. c 95 § 3; 1961 c 12 § 46.64.050. Prior: (i) 1937 c 189 § 150; RRS § 6360-150; 1927 c 309 § 53; RRS § 6362-53. (ii) 1937 c 188 § 82; RRS § 6312-82; 1921 c 108 § 16; RRS § 6378.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 46.64.060 Stopping motor vehicles for driver's license check, vehicle inspection and test--Purpose.

Applicable Cases

The purpose of RCW 46.64.060 and 46.64.070 is to provide for the exercise of the police

power of this state to protect the health and safety of its citizens by assuring that only qualified drivers and vehicles which meet minimum equipment standards shall operate upon the highways of this state.

[1967 c 144 § 1.]

Notes:

Severability--1967 c 144: "If any provision, clause or word of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable." [1967 c 144 § 3.]

RCW 46.64.070 Stopping motor vehicles for driver's license check, vehicle inspection and test--Authorized--Powers additional.

Applicable Cases

To carry out the purpose of RCW 46.64.060 and 46.64.070, officers of the Washington state patrol are hereby empowered during daylight hours and while using plainly marked state patrol vehicles to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of ten days after giving a warning ticket pointing out the defect.

The powers conferred by RCW 46.64.060 and 46.64.070 are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.349 and powers conferred by chapter 46.32 RCW.

[1999 c 6 § 26; 1973 2nd ex.s. c 22 § 1; 1967 c 144 § 2.]

Notes:

Intent--1999 c 6: See note following RCW 46.04.168.

Severability--1967 c 144: See note following RCW 46.64.060.

Chapter 46.65 RCW

WASHINGTON HABITUAL TRAFFIC OFFENDERS ACT

RCW

46.65.010	State policy enunciated.
46.65.020	Habitual offender defined.
46.65.030	Transcript or abstract of conviction record certified--As prima facie evidence.
46.65.060	Department findings--Revocation of license--Stay by department.
46.65.065	Revocation of habitual offender's license--Request for hearing, scope--Right to appeal.
46.65.070	Period during which habitual offender not to be issued license.
46.65.080	Four-year petition for license restoration--Reinstatement of driving privilege.
46.65.100	Seven-year petition for license restoration--Reinstatement of driving privilege.

46.65.900 Construction--Chapter supplemental.
46.65.910 Short title.

RCW 46.65.010 State policy enunciated.

Applicable Cases

It is hereby declared to be the policy of the state of Washington:

(1) To provide maximum safety for all persons who travel or otherwise use the public highways of this state; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

[1971 ex.s. c 284 § 3.]

Notes:

Severability--1971 ex.s. c 284: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 284 § 17.]

RCW 46.65.020 Habitual offender defined.

Applicable Cases

As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender means any person, resident or nonresident, who has accumulated convictions or findings that the person committed a traffic infraction as defined in RCW 46.20.270, or, if a minor, has violations recorded with the department of licensing, for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five-year period, as evidenced by the records maintained in the department of licensing: PROVIDED, That where more than one described offense is committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Vehicular homicide as defined in RCW 46.61.520;

(b) Vehicular assault as defined in RCW 46.61.522;

(c) Driving or operating a motor vehicle while under the influence of intoxicants or drugs;

(d) Driving a motor vehicle while his or her license, permit, or privilege to drive has been suspended or revoked as defined in RCW 46.20.342(1)(b);

(e) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any vehicle which is driven or attended by any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled

the requirements of RCW 46.52.020;

(f) Reckless driving as defined in RCW 46.61.500;

(g) Being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug as defined in RCW 46.61.504; or

(h) Attempting to elude a pursuing police vehicle as defined in RCW 46.61.024;

(2) Twenty or more convictions or findings that the person committed a traffic infraction for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle that are required to be reported to the department of licensing other than the offenses of driving with an expired driver's license and not having a driver's license in the operator's immediate possession. Such convictions or findings shall include those for offenses enumerated in subsection (1) of this section when taken with and added to those offenses described herein but shall not include convictions or findings for any nonmoving violation. No person may be considered an habitual offender under this subsection unless at least three convictions have occurred within the three hundred sixty-five days immediately preceding the last conviction.

The offenses included in subsections (1) and (2) of this section are deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions.

[1991 c 293 § 7; 1983 c 164 § 7; 1981 c 188 § 1; 1979 ex.s. c 136 § 94; 1979 c 62 § 1; 1971 ex.s. c 284 § 4.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1979 c 62: "If any provision of this 1979 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1979 c 62 § 8.]

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.030 Transcript or abstract of conviction record certified--As prima facie evidence.

Applicable Cases

The director of the department of licensing shall certify a transcript or abstract of the record of convictions and findings of traffic infractions as maintained by the department of licensing of any person whose record brings him or her within the definition of an habitual offender, as defined in RCW 46.65.020, to the hearing officer appointed in the event a hearing is requested. Such transcript or abstract may be admitted as evidence in any hearing or court proceeding and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person denies any of the facts as stated therein, he or she shall have the burden of proving that such fact is untrue.

[1983 c 209 § 1; 1979 ex.s. c 136 § 95; 1979 c 62 § 2; 1971 ex.s. c 284 § 5.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability--1979 c 62: See note following RCW 46.65.020.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.060 Department findings--Revocation of license--Stay by department.

Applicable Cases

If the department finds that such person is not an habitual offender under this chapter, the proceeding shall be dismissed, but if the department finds that such person is an habitual offender, the department shall revoke the operator's license for a period of seven years: PROVIDED, That the department may stay the date of the revocation if it finds that the traffic offenses upon which it is based were caused by or are the result of alcoholism and/or drug addiction as evaluated by a program approved by the department of social and health services, and that since his or her last offense he or she has undertaken and followed a course of treatment for alcoholism and/or drug treatment in a program approved by the department of social and health services; such stay shall be subject to terms and conditions as are deemed reasonable by the department. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1) or violation of any of the terms or conditions of the original stay order, the stay shall be removed and the department shall revoke the operator's license for a period of seven years.

[1999 c 274 § 7; 1985 c 101 § 2; 1981 c 188 § 2; 1979 c 62 § 3; 1973 1st ex.s. c 83 § 1; 1971 ex.s. c 284 § 8.]

Notes:

Severability--1979 c 62: See note following RCW 46.65.020.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.065 Revocation of habitual offender's license--Request for hearing, scope--Right to appeal.

Applicable Cases

(1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify the person of the revocation in writing by certified mail at his or her address of record as maintained by the department. If the person is a nonresident of this state, notice shall be sent to the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. A request for a hearing stays the effectiveness of the revocation.

(2) Upon receipt of a request for a hearing, the department shall schedule a hearing in the county in which the person making the request resides, and if [the] person is a nonresident of this state, the hearing shall be held in Thurston county. The department shall give at least ten days

notice of the hearing to the person.

(3) The scope of the hearings provided by this section is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 and whether the terms and conditions for granting stays, as provided in RCW 46.65.060, have been met.

(4) Upon receipt of the hearing officer's decision, an aggrieved party may appeal to the superior court of the county in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal must be filed within thirty days after receipt of the hearing officer's decision or the right to appeal is waived. Review by the court shall be de novo and without a jury.

(5) The filing of a notice of appeal does not stay the effective date of the revocation.

[1989 c 337 § 10; 1979 c 62 § 5.]

Notes:

Severability--1979 c 62: See note following RCW 46.65.020.

RCW 46.65.070 Period during which habitual offender not to be issued license.

Applicable Cases

No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of seven years from the date of the license revocation except as provided in RCW 46.65.080, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of licensing as provided in this chapter.

[1998 c 214 § 2; 1990 c 250 § 62; 1979 c 62 § 4; 1971 ex.s. c 284 § 9.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1979 c 62: See note following RCW 46.65.020.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.080 Four-year petition for license restoration--Reinstatement of driving privilege.

Applicable Cases

At the end of four years, the habitual offender may petition the department of licensing for the return of his operator's license and upon good and sufficient showing, the department of licensing may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state.

[1998 c 214 § 3; 1979 c 158 § 181; 1971 ex.s. c 284 § 10.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.100 Seven-year petition for license restoration--Reinstatement of driving privilege.

Applicable Cases

At the expiration of seven years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of licensing for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of licensing shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of licensing may prescribe, subject to the provisions of chapter 46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses.

[1998 c 214 § 4; 1979 c 158 § 182; 1971 ex.s. c 284 § 12.]

Notes:

Effective date--1998 c 214: See note following RCW 46.61.5055.

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.900 Construction--Chapter supplemental.

Applicable Cases

Nothing in this chapter shall be construed as amending, modifying, or repealing any existing law of Washington or any existing ordinance of any political subdivision relating to the operation or licensing of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof or shall be construed so as to preclude the exercise of regulatory powers of any division, agency, department, or political subdivision of the state having the statutory power to regulate such operation and licensing.

[1971 ex.s. c 284 § 14.]

Notes:

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

RCW 46.65.910 Short title.

Applicable Cases

This chapter shall be known and may be cited as the "Washington Habitual Traffic Offenders Act."

[1971 ex.s. c 284 § 18.]

Notes:

Severability--1971 ex.s. c 284: See note following RCW 46.65.010.

**Chapter 46.68 RCW
DISPOSITION OF REVENUE**

Revised Code of Washington, 1999

RCW

46.68.010	Erroneous payments--Refunds, underpayments--Penalty for false statements.
46.68.020	Disposition of fees for certificates of ownership.
46.68.030	Disposition of vehicle license fees.
46.68.035	Disposition of combined vehicle licensing fees.
46.68.041	Disposition of drivers' license fees.
46.68.060	Highway safety fund created--Use limited.
46.68.065	Motorcycle safety education account.
46.68.070	Motor vehicle fund created--Use limited.
46.68.080	Refund of vehicle license fees and fuel tax to island counties.
46.68.090	Distribution of state-wide taxes.
46.68.110	Distribution of amount allocated to cities and towns.
46.68.120	Distribution of amount allocated to counties--Generally.
46.68.122	Distribution of amount to counties--Factors of distribution formula.
46.68.124	Distribution of amount to counties--Population, road cost, money need, computed--Allocation percentage adjustment.
46.68.130	Expenditure of balance of motor vehicle fund.
46.68.160	Urban arterial trust account--Created in motor vehicle fund--Expenditures from.
46.68.170	RV account--Use for sanitary disposal systems.
46.68.210	Puyallup tribal settlement account.
46.68.220	Department of licensing services account.
46.68.230	Transfer of funds under government service agreement.
46.68.240	Highway infrastructure account.
46.68.250	Vehicle licensing fraud account.
46.68.260	Impaired driving safety account.

Notes:

Amount of snowmobile fuel tax paid as motor vehicle fuel tax: RCW 46.10.170.

Highway funds, use, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

Motor vehicle

excise tax: Chapter 82.44 RCW.

fuel tax: Chapter 82.36 RCW.

special fuel tax: Chapter 82.38 RCW.

use tax: Chapter 82.12 RCW.

Motor vehicle fund income from United States securities--Exemption from reserve fund requirement: RCW 43.84.095.

Off-road vehicle fuel tax--Refunds from motor vehicle fund: RCW 46.09.170.

Snowmobile fuel tax--Refund to general fund: RCW 46.10.150.

State patrol: Chapter 43.43 RCW.

RCW 46.68.010 Erroneous payments--Refunds, underpayments--Penalty for false statements.

Applicable Cases

Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid. A license fee is refundable in one or more of the following circumstances: (1) If the vehicle

for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (2) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (3) if the vehicle license was purchased after the owner has sold the vehicle; (4) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, in which case any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable; or (5) if the vehicle for which the renewal license was purchased is sold before the beginning date of the registration period for which the renewal fee was paid, and the payor returns the new, unused, never affixed license renewal tabs to the department before the beginning of the registration period for which the registration was purchased. Upon the refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

[1997 c 22 § 1; 1996 c 31 § 1; 1993 c 307 § 2; 1989 c 68 § 1; 1979 c 120 § 1; 1967 c 32 § 73; 1961 c 12 § 46.68.010. Prior: 1937 c 188 § 76; RRS § 6312-76.]

RCW 46.68.020 Disposition of fees for certificates of ownership.

Applicable Cases

The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund and all expenses incurred in carrying out the provisions of that chapter shall be paid from such fund as authorized by legislative appropriation.

[1961 c 12 § 46.68.020. Prior: 1955 c 259 § 3; 1947 c 164 § 7; 1937 c 188 § 11; Rem. Supp. 1947 § 6312-11.]

RCW 46.68.030 Disposition of vehicle license fees.

Applicable Cases

Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided for in chapter 46.16 RCW, all fees

received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 1981, that portion of each vehicle license fee in excess of \$7.40 and that portion of each renewal license fee in excess of \$3.40 shall be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal license fees, and all other funds in the state patrol highway account shall be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations therefor, for any fiscal biennium after June 30, 1981, and twenty-seven and three-tenths percent of the proceeds from \$7.40 of each vehicle license fee and \$3.40 of each renewal license fee shall be deposited each biennium in the Puget Sound ferry operations account. Any remaining amounts of vehicle license fees and renewal license fees that are not deposited in the Puget Sound ferry operations account shall be deposited in the motor vehicle fund.

[1990 c 42 § 109; 1985 c 380 § 20. Prior: 1983 c 15 § 23; 1983 c 3 § 122; 1981 c 342 § 9; 1973 c 103 § 3; 1971 ex.s. c 231 § 11; 1971 ex.s. c 91 § 1; 1969 ex.s. c 281 § 25; 1969 c 99 § 8; 1965 c 25 § 2; 1961 ex.s. c 7 § 17; 1961 c 12 § 46.68.030; prior: 1957 c 105 § 2; 1955 c 259 § 4; 1947 c 164 § 15; 1937 c 188 § 40; Rem. Supp. 1947 § 6312-40.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

Severability--1983 c 15: See RCW 47.64.910.

Effective date--Severability--1981 c 342: See notes following RCW 82.36.010.

Refund of mobile home identification tag fees: "The department of motor vehicles shall refund all moneys collected in 1973 for mobile home identification tags. Such refunds shall be made to those persons who have purchased such tags. The department shall adopt rules pursuant to chapter 34.04 RCW to comply with the provisions of this section." [1973 c 103 § 4.]

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

Effective date--1965 c 25: See note following RCW 46.16.060.

RCW 46.68.035 Disposition of combined vehicle licensing fees.

Applicable Cases

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

[1993 c 102 § 7; 1990 c 42 § 106; 1989 c 156 § 4; 1985 c 380 § 21.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Application--1989 c 156: See note following RCW 46.16.070.

Effective date--1986 c 18; 1985 c 380: See RCW 46.87.901.

Severability--1985 c 380: See RCW 46.87.900.

RCW 46.68.041 Disposition of drivers' license fees.

Applicable Cases

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

[1998 c 212 § 3; 1995 2nd sp.s. c 3 § 1; 1985 ex.s. c 1 § 12; 1981 c 245 § 3; 1979 c 63 § 3; 1977 c 27 § 1; 1975 1st ex.s. c 293 § 20; 1971 ex.s. c 91 § 2; 1969 c 99 § 9; 1967 c 174 § 3; 1965 c 25 § 4.]

Notes:

Effective date--1995 2nd sp.s. c 3: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1995." [1995 2nd sp.s. c 3 § 2.]

Effective date--1985 ex.s. c 1: See note following RCW 46.20.070.

Effective date--1981 c 245: See note following RCW 46.20.161.

Severability--Effective date--1975 1st ex.s. c 293: See RCW 43.88.902 and 43.88.910.

Effective date--1967 c 174: See note following RCW 46.29.050.

Effective date--1965 c 25: See note following RCW 46.16.060.

RCW 46.68.060 Highway safety fund created--Use limited.

Applicable Cases

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010.

[1969 c 99 § 11; 1967 c 174 § 4; 1965 c 25 § 3; 1961 c 12 § 46.68.060. Prior: 1957 c 104 § 1; 1937 c 188 § 81;

RRS § 6312-81; 1921 c 108 § 13; RRS § 6375.]

Notes:

Effective date--1969 c 99: See note following RCW 79A.05.070.

Effective date--1969 c 25: See note following RCW 46.16.060.

Effective date--1967 c 174: See note following RCW 46.29.050.

Deposits into account: RCW 46.20.505, 46.20.510, 46.81A.030.

RCW 46.68.065 Motorcycle safety education account.

Applicable Cases

There is hereby created the motorcycle safety education account in the highway safety fund of the state treasury, to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the director of the department of licensing in administering RCW 46.20.505 through 46.20.520 shall be borne by appropriations from this account.

[1982 c 77 § 8.]

Notes:

Severability--1982 c 77: See note following RCW 46.20.500.

RCW 46.68.070 Motor vehicle fund created--Use limited.

Applicable Cases

There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030.

[1972 ex.s. c 103 § 6; 1961 c 12 § 46.68.070. Prior: (i) 1935 c 111 § 1, part; 1933 c 41 § 4, part; RRS § 6600, part; 1929 c 163 § 1; 1925 ex.s. c 185 § 1; 1923 c 181 § 3; 1921 c 96 § 18; 1919 c 46 § 3; 1917 c 155 § 13; 1915 c 142 § 18; RRS § 6330. (ii) 1939 c 181 § 1; RRS § 6600-1; 1937 c 208 §§ 1, 2, part.]

Notes:

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 46.68.080 Refund of vehicle license fees and fuel tax to island counties.

Applicable Cases

All motor vehicle license fees and all motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

One-half of all motor vehicle license fees and motor vehicle fuel tax directly or indirectly

paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

All funds paid to the county treasurer of the counties of either class above referred to as in this section provided, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

[1961 c 12 § 46.68.080. Prior: 1939 c 181 § 9; RRS § 6450-54a.]

RCW 46.68.090 Distribution of state-wide taxes.

Applicable Cases

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in the proportions set forth in (c) through (l) of this subsection.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly;

(c) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

(d) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

- (i) Accident experience;
- (ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (1)(d);

(e) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

(f) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

(g) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

(h) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

(i) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

(j) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

(k) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

(l) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

(2) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

[1999 c 269 § 2; 1999 c 94 § 6. Prior: 1994 c 225 § 2; 1994 c 179 § 3; 1991 c 342 § 56; 1990 c 42 § 102; 1983 1st ex.s. c 49 § 21; 1979 c 158 § 184; 1977 ex.s. c 317 § 8; 1967 c 32 § 74; 1961 ex.s. c 7 § 5; 1961 c 12 § 46.68.090; prior: 1943 c 115 § 3; 1939 c 181 § 2; Rem. Supp. 1943 § 6600-1d; 1937 c 208 §§ 2, part, 3, part.]

Notes:

Reviser's note: This section was amended by 1999 c 94 § 6 and by 1999 c 269 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule

of construction, see RCW 1.12.025(1).

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective date--1994 c 225: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1994." [1994 c 225 § 4.]

Effective dates--1991 c 342: See note following RCW 47.26.167.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

Rural arterial trust account: RCW 36.79.020.

Urban arterial trust account: RCW 47.26.080.

RCW 46.68.110 Distribution of amount allocated to cities and towns.

Applicable Cases

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090(1)(i) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(1)(i) shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

[1999 c 269 § 3; 1999 c 94 § 9; 1996 c 94 § 1. Prior: 1991 sp.s. c 15 § 46; 1991 c 342 § 59; 1989 1st ex.s. c 6 § 41; 1987 1st ex.s. c 10 § 37; 1985 c 460 § 32; 1979 c 151 § 161; 1975 1st ex.s. c 100 § 1; 1961 ex.s. c 7 § 7; 1961 c 12 § 46.68.110; prior: 1957 c 175 § 11; 1949 c 143 § 1; 1943 c 83 § 2; 1941 c 232 § 1; 1939 c 181 § 4; Rem. Supp. 1949 § 6600-3a; 1937 c 208 §§ 2, part, 3, part.]

Notes:

Reviser's note: This section was amended by 1999 c 94 § 9 and by 1999 c 269 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Construction--Severability--1991 sp.s. c 15: "The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 sp.s. c 15 § 69.]

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1989 1st ex.s. c 6: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 1st ex.s. c 6 § 75.]

Severability--1987 1st ex.s. c 10: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 1st ex.s. c 10 § 60.]

Severability--1985 c 460: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 460 § 42.]

Expense of cost-audit examination of city and town street records payable from funds withheld under RCW 46.68.110(1): RCW 35.76.050.

Population determination, office of financial management: Chapter 43.62 RCW.

RCW 46.68.120 Distribution of amount allocated to counties--Generally.

Applicable Cases

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

[1991 sp.s. c 15 § 47; 1991 c 342 § 64; 1989 1st ex.s. c 6 § 42; 1987 1st ex.s. c 10 § 38; 1985 c 460 § 33; 1985 c 120 § 1; 1982 c 33 § 1; 1980 c 87 § 44; 1979 c 158 § 185; 1977 ex.s. c 151 § 42; 1975 1st ex.s. c 100 § 2; 1973 1st ex.s. c 195 § 47; 1972 ex.s. c 103 § 1; 1967 c 32 § 75; 1965 ex.s. c 120 § 12; 1961 c 12 § 46.68.120. Prior: 1957 c 109 § 1; 1955 c 243 § 1; 1949 c 143 § 2; 1945 c 260 § 1; 1943 c 83 § 3; 1939 c 181 § 5; Rem. Supp. 149 § 6600-2a.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1989 1st ex.s. c 6: See note following RCW 46.68.110.

Severability--1987 1st ex.s. c 10: See note following RCW 46.68.110.

Severability--1985 c 460: See note following RCW 46.68.110.

Federal requirements--Severability--1977 ex.s. c 151: See RCW 47.98.070, 47.98.080.

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

County road administration board--Expenses to be paid from motor vehicle fund--Disbursement procedure: RCW 36.78.110.

RCW 46.68.122 Distribution of amount to counties--Factors of distribution formula.

Applicable Cases

Funds to be paid to the several counties pursuant to RCW 46.68.120(4) shall be allocated among them upon the basis of a distribution formula consisting of the following four factors:

(1) An equal distribution factor of ten percent of such funds shall be paid to each county;

(2) A population factor of thirty percent of such funds shall be paid to each county in direct proportion that the county's total equivalent population, as computed pursuant to RCW 46.68.124(1), is to the total equivalent population of all counties;

(3) A road cost factor of thirty percent of such funds shall be paid to each county in direct proportion that the county's total annual road cost, as computed pursuant to RCW 46.68.124(2), is to the total annual road costs of all counties;

(4) A money need factor of thirty percent of such funds shall be paid to each county in direct proportion that the county's money need factor, as computed pursuant to RCW 46.68.124(3), is to the total of money need factors of all counties.

[1982 c 33 § 2.]

RCW 46.68.124 Distribution of amount to counties--Population, road cost, money need, computed--Allocation percentage adjustment.

Applicable Cases

(1) The equivalent population for each county shall be computed as the sum of the population residing in the county's unincorporated area plus twenty-five percent of the population residing in the county's incorporated area. Population figures required for the computations in this subsection shall be certified by the director of the office of financial management on or before July 1st of each odd-numbered year.

(2) The total annual road cost for each county shall be computed as the sum of one twenty-fifth of the total estimated county road replacement cost, plus the total estimated annual maintenance cost. Appropriate costs for bridges and ferries shall be included. The county road administration board shall be responsible for establishing a uniform system of roadway categories for both maintenance and construction and also for establishing a single state-wide cost per mile rate for each roadway category. The total annual cost for each county will be based on the established state-wide cost per mile and associated mileage for each category. The mileage to be used for these computations shall be as shown in the county road log as maintained by the county road administration board as of July 1, 1985, and each two years thereafter. Each county shall be responsible for submitting changes, corrections, and deletions as regards the county road log to the county road administration board. Such changes, corrections, and deletions shall be subject to verification and approval by the county road administration board prior to inclusion in the county road log.

(3) The money need factor for each county shall be the county's total annual road cost less the following four amounts:

(a) One-half the sum of the actual county road tax levied upon the valuation of all taxable property within the county road districts pursuant to RCW 36.82.040 for the two calendar years next preceding the year of computation of the allocation amounts as certified by the department of revenue;

(b) One-half the sum of all funds received by the county road fund from the federal forest reserve fund pursuant to RCW 28A.520.010 and 28A.520.020 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(c) One-half the sum of timber excise taxes received by the county road fund pursuant to chapter 84.33 RCW in the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer;

(d) One-half the sum of motor vehicle license fees and motor vehicle and special fuel taxes refunded to the county, pursuant to RCW 46.68.080 during the two calendar years next preceding the year of computation of the allocation amounts as certified by the state treasurer.

(4) The state treasurer and the department of revenue shall furnish to the county road administration board the information required by subsection (3) of this section on or before July 1st of each odd-numbered year.

(5) The county road administration board, shall compute and provide to the counties the

allocation factors of the several counties on or before September 1st of each year based solely upon the sources of information herein before required: PROVIDED, That the allocation factor shall be held to a level not more than five percent above or five percent below the allocation factor in use during the previous calendar year. Upon computation of the actual allocation factors of the several counties, the county road administration board shall provide such factors to the state treasurer to be used in the computation of the counties' fuel tax allocation for the succeeding calendar year. The state treasurer shall adjust the fuel tax allocation of each county on January 1st of every year based solely upon the information provided by the county road administration board.

[1990 c 33 § 586. Prior: 1985 c 120 § 2; 1985 c 7 § 113; 1982 c 33 § 3.]

Notes:

Purpose--Statutory references--Severability--1990 c 33: See RCW 28A.900.100 through 28A.900.102.

RCW 46.68.130 Expenditure of balance of motor vehicle fund.

Applicable Cases

The tax amount distributed to the state in the manner provided by RCW 46.68.090, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, solely for highway purposes of the state, including the purposes of RCW 47.30.030. For the purposes of this section, the term "highway purposes of the state" does not include those expenditures of the Washington state patrol heretofore appropriated or reappropriated from the motor vehicle fund. Nothing in this section or in RCW 46.68.090 may be construed so as to violate terms or conditions contained in highway construction bond issues authorized by statute as of July 1, 1999, or thereafter and whose payment is, by the statute, pledged to be paid from excise taxes on motor vehicle fuel and special fuels.

[1999 c 269 § 4; 1981 c 342 § 11; 1974 ex.s. c 9 § 1; 1972 ex.s. c 103 § 7; 1971 ex.s. c 91 § 6; 1963 c 83 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.68.130. Prior: 1957 c 271 § 4; 1957 c 105 § 3; 1941 c 246 § 1; 1939 c 181 § 6; Rem. Supp. 1941 § 6600-26.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Effective date--Severability--1981 c 342: See notes following RCW 82.36.010.

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 46.68.160 Urban arterial trust account--Created in motor vehicle fund--Expenditures from.

Applicable Cases

See RCW 47.26.080.

RCW 46.68.170 RV account--Use for sanitary disposal systems.

Applicable Cases

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW.

[1996 c 237 § 2; 1980 c 60 § 3.]

Notes:

Effective date--1980 c 60: See note following RCW 47.38.050.
Additional license fees for recreational vehicles: RCW 46.16.063.

RCW 46.68.210 Puyallup tribal settlement account.

Applicable Cases

(1) The Puyallup tribal settlement account is hereby created in the motor vehicle fund. All moneys designated by the "Agreement between the Puyallup Tribe of Indians, local governments in Pierce county, the state of Washington, the United States of America, and certain private property owners," dated August 27, 1988, (the "agreement") for use by the department of transportation on the Blair project as described in the agreement shall be deposited into the account, including but not limited to federal appropriations for the Blair project, and appropriations contained in section 34, chapter 6, Laws of 1989 1st ex. sess. and section 709, chapter 19, Laws of 1989 1st ex. sess.

(2) All moneys deposited into the account shall be expended by the department of transportation pursuant to appropriation solely for the Blair project as described in the agreement.

[1991 sp.s. c 13 § 104; 1990 c 42 § 411.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.
Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 46.68.220 Department of licensing services account.

Applicable Cases

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities.

[1992 c 216 § 5.]

RCW 46.68.230 Transfer of funds under government service agreement.

Applicable Cases

Funds that are distributed to counties, cities, or towns pursuant to this chapter may be transferred by the recipient county, city, or town to another unit of local government pursuant to a government service agreement as provided in RCW 36.115.040 and 36.115.050.

[1994 c 266 § 9.]

RCW 46.68.240 Highway infrastructure account.

Applicable Cases

The highway infrastructure account is hereby created in the motor vehicle fund. Public and private entities may deposit moneys in the highway infrastructure account from federal, state, local, or private sources. Proceeds from bonds or other financial instruments sold to finance surface transportation projects from the highway infrastructure account shall be deposited into the account. Principal and interest payments made on loans from the highway infrastructure account shall be deposited into the account. Moneys in the account shall be available for purposes specified in RCW 82.44.195. Expenditures from the highway infrastructure account shall be subject to appropriation by the legislature. To the extent required by federal law or regulations promulgated by the United States secretary of transportation, the state treasurer is authorized to create separate subaccounts within the highway infrastructure account.

[1996 c 262 § 3.]

Notes:

Transportation infrastructure account--Highway infrastructure account--Finding--Intent--Purpose--1996 c 262: See RCW 82.44.195.
Effective date--1996 c 262: See note following RCW 82.44.190.

RCW 46.68.250 Vehicle licensing fraud account.

Applicable Cases

The vehicle licensing fraud account is created in the state treasury. From penalties and fines imposed under RCW 46.16.010, 47.68.255, and 88.02.118, an amount equal to the taxes and fees owed shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

[1996 c 184 § 6.]

Notes:

Effective date--1996 c 184: See note following RCW 46.16.010.

RCW 46.68.260 Impaired driving safety account.

Applicable Cases

The impaired driving safety account is created in the custody of the state treasurer. All receipts from fees collected under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) shall be deposited according to RCW 46.68.041. Expenditures from this account may be used only to fund projects to reduce impaired driving and to provide funding to local governments for costs associated with enforcing laws relating to driving and boating while under the influence of intoxicating liquor or any drug. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

[1998 c 212 § 2.]

Chapter 46.70 RCW
DEALERS AND MANUFACTURERS

(Formerly Unfair business practices--Dealers' licenses)

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- actions.
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- 46.70.240 Penalties--Jurisdiction.
- 46.70.250 Personal service of process outside state.
- 46.70.260 Application of chapter to existing and future franchises and contracts.
- 46.70.270 Provisions of chapter cumulative--Violation of RCW 46.70.180 deemed civil.
- 46.70.290 Mobile homes and persons engaged in distribution and sale.
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- 46.70.320 Buyer's agents.
- 46.70.330 Wholesale motor vehicle auction dealers.
- 46.70.900 Liberal construction.
- 46.70.910 Severability--1967 ex.s. c 74.
- 46.70.920 Severability--1973 1st ex.s. c 132.

Notes:

Automotive repair: Chapter 46.71 RCW.

False or deceptive advertising: Chapter 9.04 RCW.

Lemon Law--Motor vehicle express warranties: Chapter 19.118 RCW.

Mobile home safety and construction standards, inspections: RCW 43.22.431 through 43.22.434.

Retail installment sales of goods: Chapter 63.14 RCW.

Unfair business practices--Consumer protection: Chapter 19.86 RCW.

RCW 46.70.005 Declaration of purpose.

Applicable Cases

The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers of vehicles doing business in Washington, in order to prevent frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

[1986 c 241 § 1; 1973 1st ex.s. c 132 § 1; 1967 ex.s. c 74 § 1.]

Notes:

Reviser's note: Throughout chapter 46.70 RCW the phrases "this act" and "this amendatory act" have been changed to "this chapter." This 1967 act or amendatory act [1967 ex.s. c 74] consisted of RCW 46.70.005 through 46.70.042, 46.70.051, 46.70.061, 46.70.081 through 46.70.083, 46.70.101 through 46.70.111, 46.70.180 through 46.70.910, the 1967 amendments to RCW 46.70.060 and 46.70.070, and the repeal of RCW 46.70.010 through 46.70.050, 46.70.080, 46.70.100, and 46.70.110.

Emergency--Effective date--1967 ex.s. c 74: "This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 1 through 3 and sections 16 through 25 shall take effect immediately. Sections 4 through 15 and sections 26 through

30 inclusive shall take effect on July 1, 1967." [1967 ex.s. c 74 § 31.] Sections 1 through 3 are codified as RCW 46.70.005, 46.70.900, and 46.70.011; sections 16 through 25 are codified as RCW 46.70.180 through 46.70.270; sections 4 through 15 are codified as RCW 46.70.021 through 46.70.051, 46.70.061, 46.70.081 through 46.70.083, and 46.70.101 through 46.70.111; sections 26 through 29 are codified as RCW 46.70.060, 46.70.070, 46.70.280, and 46.70.910, and section 30 repeals RCW 46.70.010 through 46.70.050, 46.70.080, 46.70.100, and 46.70.110.

RCW 46.70.011 Definitions.

Applicable Cases

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term "vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party.

(5) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of licensing.

(8) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(9) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(10) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business

using a name other than the principal name of the firm, or both.

(12) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(13) "Wholesale vehicle dealer" means a vehicle dealer who buys and sells other than at retail.

(14) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(15) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(16) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(17) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(18) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(19) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under Title 46 RCW, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

[1998 c 46 § 1; 1996 c 194 § 1; 1993 c 175 § 1. Prior: 1989 c 337 § 11; 1989 c 301 § 1; 1988 c 287 § 1; 1986 c 241 § 2; 1981 c 305 § 2; 1979 c 158 § 186; 1979 c 11 § 3; prior: 1977 ex.s. c 204 § 2; 1977 ex.s. c 125 § 1; 1973 1st ex.s. c 132 § 2; 1969 ex.s. c 63 § 1; 1967 ex.s. c 74 § 3.]

RCW 46.70.021 License required for dealers or manufacturers--Penalties.

Applicable Cases

It is unlawful for any person, firm, or association to act as a vehicle dealer or vehicle manufacturer, to engage in business as such, serve in the capacity of such, advertise himself, herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter, unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and

offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to five thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter. Nothing in this chapter prohibits financial institutions from cooperating with vehicle dealers licensed under this chapter in dealer sales or leases. However, financial institutions shall not broker vehicles and cooperation is limited to organizing, promoting, and financing of such dealer sales or leases.

[1993 c 307 § 4; 1988 c 287 § 2; 1986 c 241 § 3; 1973 1st ex.s. c 132 § 3; 1967 ex.s. c 74 § 4.]

RCW 46.70.023 Place of business.

Applicable Cases

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. The business of a vehicle dealer must be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. A vehicle dealer may display a vehicle for sale only at its established place of business, licensed subagency, or temporary subagency site, except at auction. The dealer shall keep the building open to the public so that the public may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house may not be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. A state-wide trade association representing manufactured housing dealers shall be permitted to use a manufactured home as an office if the office complies with all other applicable building code, zoning, and other land-use regulatory ordinances. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that subagency records may be kept at the principal place of business designated by the dealer. Auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(11) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the

department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(12) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

[1997 c 432 § 1; 1996 c 282 § 1; 1995 c 7 § 1; 1993 c 307 § 5; 1991 c 339 § 28; 1989 c 301 § 2; 1986 c 241 § 4.]

RCW 46.70.025 Established place of business--Waiver of requirements.

Applicable Cases

The director may by rule waive any requirements pertaining to a vehicle dealer's established place of business if such waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a location divided by a public street or a highly specialized type of business.

[1986 c 199 § 1.]

RCW 46.70.027 Accountability of dealer for employees--Actions for damages on violation of chapter.

Applicable Cases

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from a wholesale dealer, who has suffered a loss or damage by reason of any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070. However, under this section, motor vehicle dealers who have purchased from wholesale dealers may only institute actions against wholesale dealers and their surety bonds.

[1989 c 337 § 12; 1986 c 241 § 5.]

RCW 46.70.028 Consignment.

Applicable Cases

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of chapter 46.70 RCW. The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale.

[1989 c 337 § 13.]

RCW 46.70.029 Listing dealers, transaction of business.

Applicable Cases

Listing dealers shall transact dealer business by obtaining a listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under *RCW 46.12.120 on the listing dealer as any other sale.

[1990 c 250 § 63; 1986 c 241 § 6.]

Notes:

***Reviser's note:** RCW 46.12.120 was recodified as RCW 46.70.122 under 1993 c 307 § 18.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.031 Application for license--Form.

Applicable Cases

A vehicle dealer or vehicle manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe.

[1986 c 241 § 7; 1973 1st ex.s. c 132 § 4; 1967 ex.s. c 74 § 5.]

RCW 46.70.041 Application for license--Contents.

Applicable Cases

(1) Every application for a vehicle dealer license shall contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all

directors, officers, or partners;

(f) A business telephone with a listing in the local directory;

(g) The name or names of new vehicles the vehicle dealer wishes to sell;

(h) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(i) A certificate by a representative of the department, that the applicant's principal place of business and each subagency business location in the state of Washington meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established;

(j) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty. This requirement applies only to applicants seeking to sell, to exchange, to offer, to auction, to solicit, to advertise, or to broker new or current-model vehicles with factory or distributor warranties;

(k) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, and which classification or classifications the dealer wishes to be designated as;

(l) Any other information the department may reasonably require.

(2) If the applicant is a manufacturer the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

[1993 c 307 § 6; 1993 c 175 § 2; 1990 c 250 § 64; 1986 c 241 § 8; 1979 c 158 § 187; 1977 ex.s. c 125 § 2; 1973 1st ex.s. c 132 § 5; 1971 ex.s. c 74 § 1; 1969 ex.s. c 63 § 2; 1967 ex.s. c 74 § 6.]

Notes:

Reviser's note: This section was amended by 1993 c 175 § 2 and by 1993 c 307 § 6, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1990 c 250: See note following RCW 46.16.301.

Requirements of "established place of business": RCW 46.70.023.

RCW 46.70.042 Application for license--Retention by department--Confidentiality.

Applicable Cases

Every application for license shall be retained by the department for a period of three years and shall be confidential information for the use of the department, the attorney general or the prosecuting attorney only: PROVIDED, That upon a showing of good cause therefor any court in which an action is pending by or against the applicant or licensee, may order the director to produce and permit the inspection and copying or photographing the application and any accompanying statements.

[1967 ex.s. c 74 § 14.]

RCW 46.70.045 Denial of license.

Applicable Cases

The director may deny a license under this chapter when the application is a subterfuge that conceals the real person in interest whose license has been denied, suspended, or revoked for cause under this chapter and the terms have not been fulfilled or a civil penalty has not been paid, or the director finds that the application was not filed in good faith. This section does not preclude the department from taking an action against a current licensee.

[1997 c 432 § 2.]

RCW 46.70.051 Issuance of license--Private party dissemination of vehicle data base.

Applicable Cases

(1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual.

(4) The department may contract with responsible private parties to provide them

elements of the vehicle data base on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers.

(a) Subject to the disclosure agreement provisions of RCW 46.12.380 and the requirements of Executive Order 97-01, the department may provide to the contracted private parties the following information:

(i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies;

(ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and

(iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges.

(b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted.

(c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes.

(d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle data base to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle data base under a contract with the department and disseminates any of that information to anyone other than a licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed.

[1997 c 432 § 4; 1996 c 282 § 2; 1993 c 307 § 7; 1989 c 301 § 3; 1973 1st ex.s. c 132 § 6; 1971 ex.s. c 74 § 2; 1967 ex.s. c 74 § 7.]

RCW 46.70.061 Fees--Disposition.

Applicable Cases

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Five hundred dollars;

(b) Vehicle dealers, each subagency: Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification:

Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license classification issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

[1990 c 250 § 65; 1986 c 241 § 10; 1986 c 241 § 9; 1979 ex.s. c 251 § 1; 1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1986 c 241: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 9 of this act shall take effect July 1, 1986, and section 10 of this act shall take effect July 1, 1987." [1986 c 241 § 28.]

RCW 46.70.070 Dealers--Bond required, exceptions--Actions--Cancellation of license.

Applicable Cases

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home, park trailer, and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes or park trailers such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers, running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter.

Any retail purchaser, consignor who is not a motor vehicle dealer, or a motor vehicle dealer who has purchased from, sold to, or otherwise transacted business with a wholesale dealer, who has suffered any loss or damage by reason of any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. However, under this section, motor vehicle dealers who have

purchased from, sold to, or otherwise transacted business with wholesale dealers may only institute actions against wholesale dealers and their surety bonds. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

[1996 c 194 § 2; 1989 c 337 § 15; 1986 c 241 § 11; 1981 c 152 § 1; 1973 1st ex.s. c 132 § 8; 1971 ex.s. c 74 § 4; 1967 ex.s. c 74 § 27; 1961 c 239 § 1; 1961 c 12 § 46.70.070. Prior: 1959 c 166 § 19; 1951 c 150 § 8.]

RCW 46.70.075 Manufacturers--Bond required--Actions--Cancellation of license.

Applicable Cases

Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with the department a surety bond in the amount of forty thousand dollars in the case of a mobile home manufacturer and twenty thousand dollars in the case of a travel trailer manufacturer, running to the state and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of such vehicles. Any retail purchaser or vehicle dealer who has suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles has the right to institute an action for recovery against such manufacturer and the surety upon such bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety the manufacturer license is automatically deemed canceled.

[1981 c 152 § 3; 1973 1st ex.s. c 132 § 9.]

RCW 46.70.083 Expiration of license--Renewal--Certification of established place of business.

Applicable Cases

The license of a vehicle dealer or a vehicle manufacturer expires on the date that is twelve consecutive months from the date of issuance. The license may be renewed by filing with the department prior to the expiration of the license, a renewal application containing such information as the department may require to indicate the number of vehicle sales transacted during the past year, and any material change in the information contained in the original

application. Failure by the dealer to comply is grounds for denial of the renewal application or dealer license plate renewal.

The dealer's established place of business shall be certified by a representative of the department at least once every thirty-six months, or more frequently as determined necessary by the department. The certification will verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply at any time is grounds for license suspension or revocation, denial of the renewal application, or monetary assessment.

[1993 c 307 § 8; 1991 c 140 § 2; 1990 c 250 § 66; 1986 c 241 § 12; 1985 c 109 § 1; 1973 1st ex.s. c 132 § 12; 1971 ex.s. c 74 § 6; 1967 ex.s. c 74 § 10.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.085 Licenses--Staggered renewal.

Applicable Cases

Notwithstanding any provision of law to the contrary, the director may extend or diminish licensing periods of dealers and manufacturers for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

[1990 c 250 § 67; 1985 c 109 § 2.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.090 License plates--Use.

Applicable Cases

(1) The department shall issue a vehicle dealer license plate which shall be attached to the rear of the vehicle only and which is capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) The department shall issue to a vehicle dealer up to three vehicle dealer license plates. After the third dealer plate is issued, the department shall limit the number of dealer plates to six percent of the vehicles sold during the preceding license period. For an original license the vehicle dealer license applicant shall estimate the first year's sales. The director or director's designee may waive these dealer plate issuance restrictions for a vehicle dealer if the waiver both serves the purposes of this chapter and is essential to the continuation of the business. The director shall adopt rules to implement this waiver.

(3) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, if a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale, and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by their

spouses, or by an employee of the firm, if a card so identifying any such individual is carried in the vehicle at all times it is operated by such individual. Any such vehicle so operated may be used to transport the dealer's own tools, parts, and equipment of a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(4) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle if a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location if the requirements of RCW 46.44.170 and 46.44.175 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, if any such exhibition does not exceed a period of twenty days.

(5) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle may be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale, and which are in fact available for sale, by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full-time employee of the firm, if a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and

from places of business of the dealer if such vehicle and such item are purchased or sold as one package.

(6) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) On vehicles being moved to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(7) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer or manufacturer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(e) Used on any new vehicle unless the vehicle dealer has provided the department a current service agreement with the manufacturer or distributor of that vehicle as provided in RCW 46.70.041(1)(k).

(8) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate.

[1994 c 262 § 10; 1992 c 222 § 2; 1991 c 140 § 1; 1983 c 3 § 123; 1981 c 152 § 4; 1973 1st ex.s. c 132 § 13; 1971 ex.s. c 74 § 7; 1969 ex.s. c 63 § 3; 1961 c 12 § 46.70.090. Prior: 1955 c 283 § 1; 1951 c 150 § 10.]

RCW 46.70.101 Denial, suspension, or revocation of licenses--Grounds.

Applicable Cases

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for

cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same, except for sales by wholesale motor vehicle auction dealers to franchise motor vehicle dealers of the same make licensed under Title 46 RCW or franchise motor vehicle dealers of the same make licensed by any other state;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

- (iii) Has forged the signature of the registered or legal owner on a certificate of title;
- (iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;
- (v) Has willfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;
- (vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;
- (vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;
- (viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles, except for sales by wholesale motor vehicle auction dealers to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW or motor vehicle dealers licensed by any other state;
- (ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;
- (x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or
- (xi) Has sold any vehicle with actual knowledge that:
 - (A) It has any of the following brands on the title: "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or
 - (B) It has been declared totaled out by an insurance carrier and then rebuilt; or
 - (C) The vehicle title contains the specific comment that the vehicle is "rebuilt";without clearly disclosing that brand or comment in writing.
- (c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.
- (2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:
 - (a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;
 - (b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;
 - (c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;
 - (d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of

any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

[1998 c 282 § 7; 1996 c 282 § 3; 1991 c 140 § 3; 1989 c 337 § 16; 1986 c 241 § 13; 1981 c 152 § 5; 1977 ex.s. c 125 § 3; 1973 1st ex.s. c 132 § 14; 1969 ex.s. c 63 § 4; 1967 ex.s. c 74 § 11.]

RCW 46.70.102 Denial, suspension, or revocation of licenses--Notice, hearing, procedure.

Applicable Cases

Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.05 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant or licensee,

opportunity for hearing, and written findings of fact and conclusions of law.

[1986 c 241 § 14; 1967 ex.s. c 74 § 12.]

RCW 46.70.111 Investigations or proceedings--Powers of director or designees--Penalty.

Applicable Cases

For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(1) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, to produce documentary or other evidence touching the matter under investigation or in question. The failure to obey an order of the court may be punishable by contempt.

[1967 ex.s. c 74 § 15.]

RCW 46.70.115 Cease and desist orders.

Applicable Cases

If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

[1986 c 241 § 15.]

RCW 46.70.120 Record of transactions.

Applicable Cases

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him. The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle;
- (3) The name and address of the person from whom purchased;
- (4) The name of the legal owner, if any;
- (5) The name and address of the purchaser;
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The vehicle odometer disclosure statement given by the seller to the dealer, and the

vehicle odometer disclosure statement given by the dealer to the purchaser;

(9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;

(10) Trust account records of receipts, deposits, and withdrawals;

(11) All sale documents, which shall show the full name of dealer employees involved in the sale; and

(12) Any additional information the department may require. However, the department may not require a dealer to collect or retain the hardback copy of a temporary license permit after the permanent license plates for a vehicle have been provided to the purchaser, if the dealer maintains some other copy of the temporary license permit together with a log of the permits issued.

Such records shall be maintained separate from all other business records of the dealer. Records older than two years may be kept at a location other than the dealer's place of business if those records are made available in hard copy for inspection within three calendar days, exclusive of Saturday, Sunday, or a legal holiday, after a request by the director or the director's authorized agent. Records kept at the vehicle dealer's place of business must be available for inspection by the director or the director's authorized agent during normal business hours.

Dealers may maintain their recordkeeping and filing systems in accordance with their own particular business needs and practices. Nothing in this chapter requires dealers to maintain their records in any particular order or manner, as long as the records identified in this section are maintained in the dealership's recordkeeping system.

[1996 c 282 § 4; 1990 c 238 § 7; 1986 c 241 § 16; 1973 1st ex.s. c 132 § 15; 1961 c 12 § 46.70.120. Prior: 1951 c 150 § 15.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.
Odometer disclosure statement: RCW 46.12.124.

RCW 46.70.122 Duty when purchaser or transferee is a dealer.

Applicable Cases

(1) If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe.

(2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale, to which shall be attached the assigned certificates of ownership and license registration received by the dealer. The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration. The title certificate issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and

the required fee, mail or deliver to the department. Failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

[1990 c 238 § 5; 1975 c 25 § 11; 1972 ex.s. c 99 § 3; 1967 c 140 § 2; 1961 c 12 § 46.12.120. Prior: 1959 c 166 § 10; prior: 1947 c 164 § 4(c); 1937 c 188 § 6(c); Rem. Supp. 1947 § 6312-6(c). Formerly RCW 46.12.120.]

Notes:

Effective date, implementation--1990 c 238: See note following RCW 46.12.030.

Effective date--1967 c 140: See note following RCW 46.12.010.

Definitions: RCW 46.12.005.

RCW 46.70.124 Evidence of ownership for dealers' used vehicles--Consignments.

Applicable Cases

Vehicle dealers shall possess a separate certificate of ownership or other evidence of ownership approved by the department for each used vehicle kept in the dealer's possession. Evidence of ownership shall be either in the name of the dealer or in the name of the dealer's immediate vendor properly assigned. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ownership.

[1994 c 262 § 11; 1990 c 250 § 29; 1961 c 12 § 46.12.140. Prior: 1959 c 166 § 12; prior: 1947 c 164 § 4(e); 1937 c 188 § 6(e); Rem. Supp. 1947 § 6312-6(e). Formerly RCW 46.12.140.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.70.125 Used vehicles--Asking price, posting or disclosure.

Applicable Cases

A vehicle dealer who sells used vehicles shall either display on the vehicle, or disclose upon request, the written asking price of a specific vehicle offered for sale by the dealer as of that time.

A violation of this section is an unfair business practice under chapter 19.86 RCW, the Consumer Protection Act, and the provisions of chapter 46.70 RCW.

[1986 c 165 § 1.]

RCW 46.70.130 Details of charges must be furnished buyer or mortgagor.

Applicable Cases

(1) Before the execution of a contract or chattel mortgage or the consummation of the sale of any vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer.

(2) Notwithstanding subsection (1) of this section, an itemization of the various license and title fees paid or to be paid by the buyer, which itemization must be the same as that disclosed on the registration/application for title document issued by the department, may be required only on the title application at the time the application is submitted for title transfer. A

vehicle dealer may not be required to separately or individually itemize the license and title fees on any other document, including but not limited to the purchase order and lease agreement. No fee itemization may be required on the temporary permit.

[1996 c 282 § 5; 1973 1st ex.s. c 132 § 16; 1961 c 12 § 46.70.130. Prior: 1951 c 150 § 16.]

RCW 46.70.132 Manufactured home sale--Implied warranty.

Applicable Cases

(1) In addition to the requirements contained in RCW 46.70.135, each sale of a new manufactured home in this state is made with an implied warranty that the manufactured home conforms in all material aspects to applicable federal and state laws and regulations establishing standards of safety or quality, and with implied warranties of merchantability and fitness for a particular purpose as permanent housing in the climate of the state.

(2) The implied warranties contained in this section may not be waived, limited, or modified. Any provision that attempts to waive, limit, or modify the implied warranties contained in this section is void and unenforceable.

[1994 c 284 § 9.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 46.70.134 Manufactured home installation--Warranty, state installation code.

Applicable Cases

Any dealer, manufacturer, or contractor who installs a manufactured home warrants that the manufactured home is installed in accordance with the state installation code, chapter 296-150B WAC. The warranty contained in this section may not be waived, limited, or modified. Any provision attempting to waive, limit, or modify the warranty contained in this section is void and unenforceable. This section does not apply when the manufactured home is installed by the purchaser of the home.

[1994 c 284 § 10.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 46.70.135 Mobile homes--Warranties and inspections--Delivery--Occupancy--Advertising of dimensions.

Applicable Cases

Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et

seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year measured from the date of delivery and shall not be invalidated by resale by the original purchaser to a subsequent purchaser or by the certificate of ownership being eliminated or not issued as described in chapter 65.20 RCW. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his or her agent and by the purchaser or his or her agent which shall include a test of all systems of the home to insure proper operation, unless such systems test is delayed pursuant to this subsection. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall complete any required purchaser information card and forward the card to the manufacturer. A purchaser is deemed to have taken delivery of the manufactured home when all three of the following events have occurred: (a) The contractual obligations between the purchaser and the seller have been met; (b) the inspection of the home is completed; and (c) the systems test of the home has been completed subsequent to the installation of the home, or fifteen days has elapsed since the transport of the home to the site where it will be installed, whichever is earlier. Occupancy of the manufactured home shall only occur after the systems test has occurred and all required utility connections have been approved after inspection.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

[1994 c 284 § 11; 1989 c 343 § 22; 1981 c 304 § 36.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

Severability--Effective date--1989 c 343: See RCW 65.20.940 and 65.20.950.

Severability--1981 c 304: See note following RCW 26.16.030.

Mobile home installation and warranty service: RCW 43.22.440, 43.22.442.

Mobile home safety and construction standards, inspections, etc.: RCW 43.22.431 through 43.22.434.

RCW 46.70.136 Manufactured homes--Warranty disputes.

Applicable Cases

The *department may mediate disputes that arise regarding any warranty required in chapter 46.70 RCW pertaining to the purchase or installation of a manufactured home. The department may charge reasonable fees for this service and shall deposit the moneys collected in accordance with RCW 43.63B.080.

[1994 c 284 § 12.]

Notes:

Reviser's note: *(1) "Department" refers to the department of community, trade, and economic development.

(2) This section, 1994 c 284 § 12, was directed to be codified in chapter 43.330 RCW. Since this placement appears inappropriate, this section has been codified as part of chapter 46.70 RCW.

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

RCW 46.70.137 Violations relating to mobile/manufactured homes.

Applicable Cases

See RCW 18.27.117.

RCW 46.70.140 Handling "hot" vehicles--Unreported motor "switches"--Unauthorized use of dealer plates--Penalty.

Applicable Cases

Any vehicle dealer who knowingly or with reason to know, buys or receives, sells or disposes of, conceals or has in the dealer's possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who removes from or installs in any motor vehicle registered with the department by motor block number, a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who loans or permits the use of vehicle dealer license plates by any person not entitled to the use thereof, is guilty of a gross misdemeanor.

[1993 c 307 § 9; 1973 1st ex.s. c 132 § 17; 1971 ex.s. c 74 § 8; 1967 c 32 § 79; 1961 c 12 § 46.70.140. Prior: 1951 c 150 § 11.]

RCW 46.70.160 Rules and regulations.

Applicable Cases

The director may make any reasonable rules and regulations not inconsistent with the provisions of chapter 46.70 RCW relating to the enforcement and proper operation thereof.

[1961 c 12 § 46.70.160. Prior: 1959 c 166 § 21.]

RCW 46.70.170 Penalty for violations.

Applicable Cases

It is a misdemeanor for any person to violate any of the provisions of this chapter, except where expressly provided otherwise, and the rules adopted as provided under this chapter.

[1986 c 241 § 17; 1965 c 68 § 5.]

Notes:

Rules of Court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

RCW 46.70.180 Unlawful acts and practices.

Applicable Cases

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, either (i) to deliver to the buyer the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise

satisfied.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase or sale of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase or sale of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contract, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, or title; or

(c) Signing any other documentation relating to the purchase, sale, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of

motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable. The department of licensing shall by December 31, 1996, in rule, adopt standard disclosure language for buyer's agent agreements under RCW 46.70.011, 46.70.070, and this section.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's

order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9 RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

[1999 c 398 § 10; 1997 c 153 § 1; 1996 c 194 § 3; 1995 c 256 § 26; 1994 c 284 § 13; 1993 c 175 § 3; 1990 c 44 § 14; 1989 c 415 § 20; 1986 c 241 § 18; 1985 c 472 § 13; 1981 c 152 § 6; 1977 ex.s. c 125 § 4; 1973 1st ex.s. c 132 § 18; 1969 c 112 § 1; 1967 ex.s. c 74 § 16.]

Notes:

Severability--Effective date--1994 c 284: See RCW 43.63B.900 and 43.63B.901.

Severability--1990 c 44: See RCW 19.116.900.

Severability--1989 c 415: See RCW 46.96.900.

Severability--1985 c 472: See RCW 46.94.900.

Certificate of ownership--Failure to transfer within specified time: RCW 46.12.101.

Glass--Limited windows--Vehicle sale requirements: RCW 46.37.430.

Odometers--Disconnecting, resetting, turning back, replacing without notifying purchaser: RCW 46.37.540 through 46.37.570.

Tires--Vehicle sale requirements: RCW 46.37.425.

RCW 46.70.183 Notice of bankruptcy proceedings.

Applicable Cases

Any vehicle dealer or manufacturer, by or against whom a petition in bankruptcy has been filed, shall, within ten days of the filing, notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending.

[1981 c 152 § 7.]

RCW 46.70.190 Civil actions for violations--Injunctions--Claims under Federal Automobile Dealer Franchise Act--Time limitation.

Applicable Cases

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

If a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under RCW 46.96.040 or 46.96.050(3) or this section, the new motor vehicle dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under the federal Automobile Dealer Franchise Act, 15 U.S.C. Sections 1221 through 1225, but only to the extent that the damages recovered by or denied to the new motor vehicle dealer are the same as the damages being sought under the federal Automobile Dealer Franchise Act. Likewise, if a new motor vehicle dealer recovers a judgment or has a claim dismissed with prejudice against a manufacturer under the federal Automobile Dealer Franchise Act, the dealer is precluded from pursuing that same claim or recovering judgment for that same claim against the same manufacturer under this chapter, but only to the extent that the damages recovered by or denied to the dealer are the same as the damages being sought under this chapter.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

[1989 c 415 § 21; 1986 c 241 § 19; 1973 1st ex.s. c 132 § 19; 1967 ex.s. c 74 § 21.]

Notes:

Severability--1989 c 415: See RCW 46.96.900.

RCW 46.70.220 Duties of attorney general and prosecuting attorneys to act on violations--Limitation of civil actions.

Applicable Cases

The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice herein prohibited or declared unlawful: PROVIDED, That this chapter shall be considered in conjunction with chapter 9.04 RCW, 19.86 RCW and 63.14 RCW and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter: PROVIDED FURTHER, That any action to enforce a claim for civil damages under chapter 19.86 RCW shall be forever barred unless commenced within six years after the cause of action accrues.

[1967 ex.s. c 74 § 19.]

RCW 46.70.230 Duties of attorney general and prosecuting attorneys to act on violations--Assurance of compliance--Filing.

Applicable Cases

In the enforcement of this chapter, the attorney general and/or any said prosecuting attorney may accept an assurance of compliance with the provisions of this chapter from any person deemed in violation hereof. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

[1967 ex.s. c 74 § 20.]

RCW 46.70.240 Penalties--Jurisdiction.

Applicable Cases

Any person who violates the terms of any court order, or temporary or permanent injunction issued pursuant to this chapter, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state, or any person who pursuant to RCW 46.70.190 has secured the injunction violated, may petition for the recovery of civil penalties.

[1967 ex.s. c 74 § 22.]

RCW 46.70.250 Personal service of process outside state.

Applicable Cases

Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has engaged in conduct in violation of this chapter which has had the impact in this state which this chapter reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185.

[1967 ex.s. c 74 § 23.]

RCW 46.70.260 Application of chapter to existing and future franchises and contracts.

Applicable Cases

The provisions of this chapter shall be applicable to all franchises and contracts existing between vehicle dealers and manufacturers or factory branches and to all future franchises and contracts.

[1986 c 241 § 22; 1967 ex.s. c 74 § 24.]

RCW 46.70.270 Provisions of chapter cumulative--Violation of RCW 46.70.180 deemed civil.

Applicable Cases

The provisions of this chapter shall be cumulative to existing laws: PROVIDED, That the violation of RCW 46.70.180 shall be construed as exclusively civil and not penal in nature.

[1967 ex.s. c 74 § 25.]

RCW 46.70.290 Mobile homes and persons engaged in distribution and sale.

Applicable Cases

The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles.

[1993 c 307 § 10; 1971 ex.s. c 231 § 23.]

Notes:

Effective date--1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.70.300 Chapter exclusive--Local business and occupation tax not prevented.

Applicable Cases

(1) The provisions of this chapter relating to the licensing and regulation of vehicle dealers and manufacturers shall be exclusive, and no county, city, or other political subdivision of this state shall enact any laws, rules, or regulations licensing or regulating vehicle dealers or manufacturers.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business and occupation tax upon vehicle dealers or manufacturers maintaining an office within that political subdivision if a business and occupation tax is levied by such a political subdivision upon other types of businesses within its boundaries.

[1993 c 307 § 11; 1981 c 152 § 2.]

RCW 46.70.310 Consumer Protection Act.

Applicable Cases

Any violation of this chapter is deemed to affect the public interest and constitutes a violation of chapter 19.86 RCW.

[1986 c 241 § 23.]

RCW 46.70.320 Buyer's agents.

Applicable Cases

The regulation of buyers' agents is a matter affecting the public interest for the purpose of applying chapter 19.86 RCW. Activities of buyers' agents prohibited under RCW 46.70.180 (11), (12), or (13) are not reasonable in relation to the development and preservation of business. A violation of RCW 46.70.180 (11), (12), or (13) constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.

[1993 c 175 § 4.]

RCW 46.70.330 Wholesale motor vehicle auction dealers.

Applicable Cases

(1) A wholesale motor vehicle auction dealer may:

(a) Sell any classification of motor vehicle;

(b) Sell only to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state; or

(c) Sell a motor vehicle belonging to the United States government, the state of Washington, or a political subdivision to nonlicensed persons as may be required by the contracting public agency. However, a publicly owned "wrecked vehicle" as defined in RCW 46.80.010 may be sold to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state.

(2) If the wholesale motor vehicle auction dealer knows that a vehicle is a "wrecked vehicle" as defined by RCW 46.80.010, the dealer must disclose this fact on the bill of sale.

[1998 c 282 § 2.]

RCW 46.70.900 Liberal construction.

Applicable Cases

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

[1973 1st ex.s. c 132 § 20; 1967 ex.s. c 74 § 2.]

RCW 46.70.910 Severability--1967 ex.s. c 74.

Applicable Cases

If any provision of this amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

[1967 ex.s. c 74 § 28.]

RCW 46.70.920 Severability--1973 1st ex.s. c 132.

Applicable Cases

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances

shall not be affected thereby.

[1973 1st ex.s. c 132 § 21.]

Chapter 46.71 RCW AUTOMOTIVE REPAIR

RCW

46.71.005	Legislative recognition.
46.71.011	Definitions.
46.71.015	Estimates--Invoices--Recordkeeping requirements.
46.71.021	Disposition of replaced parts.
46.71.025	Estimate required--Alternatives--Authorization to exceed.
46.71.031	Required signs.
46.71.035	Failure to comply with estimate requirements.
46.71.041	Liens barred for failure to comply.
46.71.045	Unlawful acts or practices.
46.71.051	Copy of warranty.
46.71.060	Retention of price estimates and invoices.
46.71.070	Consumer Protection Act--Defense.
46.71.080	Notice of chapter to vehicle owners.
46.71.090	Notice of chapter to repair facilities.

Notes:

Vehicle warranties (Lemon law): Chapter 19.118 RCW.

RCW 46.71.005 Legislative recognition.

Applicable Cases

The automotive repair industry supports good communication between auto repair facilities and their customers. The legislature recognizes that improved communications and accurate representations between automotive repair facilities and the customers will: Increase consumer confidence; reduce the likelihood of disputes arising; clarify repair facility lien interests; and promote fair and nondeceptive practices, thereby enhancing the safety and reliability of motor vehicles serviced by auto repair facilities in the state of Washington.

[1993 c 424 § 1.]

Notes:

Severability--1993 c 424: "If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to persons and circumstances shall not be affected thereby." [1993 c 424 § 15.]

Effective date--1993 c 424: "This act shall take effect January 1, 1994." [1993 c 424 § 18.]

RCW 46.71.011 Definitions.

Applicable Cases

For purposes of this chapter:

(1) An "aftermarket body part" or "nonoriginal equipment manufacturer body part" is an exterior body panel or nonstructural body component manufactured by someone other than the original equipment manufacturer and supplied through suppliers other than those in the manufacturer's normal distribution channels.

(2) "Automotive repair" includes but is not limited to:

(a) All repairs to vehicles subject to chapter 46.16 RCW that are commonly performed in a repair facility by a motor vehicle technician including the diagnosis, installation, exchange, or repair of mechanical or electrical parts or units for any vehicle, the performance of any electrical or mechanical adjustment to any vehicle, or the performance of any service work required for routine maintenance or repair of any vehicle. However, commercial fleet repair or maintenance transactions involving two or more vehicles or ongoing service or maintenance contracts involving vehicles used primarily for business purposes are not included;

(b) All work in facilities that perform one or more specialties within the automotive repair service industry including, but not limited to, body collision repair, refinishing, brake, electrical, exhaust repair or installation, frame, unibody, front-end, radiators, tires, transmission, tune-up, and windshield; and

(c) The removal, replacement, or repair of exterior body panels, the removal, replacement, or repair of structural and nonstructural body components, the removal, replacement, or repair of collision damaged suspension components, and the refinishing of automotive components.

(3) "Automotive repair facility" or "repair facility" means any person, firm, association, or corporation who for compensation engages in the business of automotive repair or diagnosis, or both, of malfunctions of motor vehicles subject to licensure under chapter 46.16 RCW and repair and refinishing auto-body collision damage as well as overall refinishing and cosmetic repairs.

(4) A "rebuilt" part consists of a used assembly that has been dismantled and inspected with only the defective parts being replaced.

(5) A "remanufactured" part consists of a used assembly that has been dismantled with the core parts being remachined and all other parts replaced with new parts so as to provide performance comparable to that found originally.

[1993 c 424 § 2.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.015 Estimates--Invoices--Recordkeeping requirements.

Applicable Cases

(1) Except as otherwise provided in RCW 46.71.025, all estimates that exceed one hundred dollars shall be in writing and include the following information: The date; the name, address, and telephone number of the repair facility; the name, address, and telephone number, if available, of the customer or the customer's designee; if the vehicle is delivered for repair, the year, make, and model of the vehicle, the vehicle license plate number or last eight digits of the

vehicle identification number, and the odometer reading of the vehicle; a description of the problem reported by the customer or the specific repairs requested by the customer; and a choice of alternatives described in RCW 46.71.025.

(2) Whether or not a written estimate is required, parts and labor provided by an automotive repair facility shall be clearly and accurately recorded in writing on an invoice and shall include, in addition to the information listed in subsection (1) of this section, the following information: A description of the repair or maintenance services performed on the vehicle; a list of all parts supplied, identified by name and part number, if available, part kit description or recognized package or shop supplies, if any, and an indication whether the parts supplied are rebuilt, or used, if applicable or where collision repair is involved, aftermarket body parts or nonoriginal equipment manufacturer body parts, if applicable; the price per part charged, if any, and the total amount charged for all parts; the total amount charged for all labor, if any; and the total charge. Parts and labor do not need to be separately disclosed if pricing is expressed as an advertised special by the job, a prediscovered written repair menu item, or a routine service package.

(3) Notwithstanding subsection (2) of this section, if the repair work is performed under warranty or without charge to the customer, other than an applicable deductible, the repair facility shall provide either an itemized list of the parts supplied, or describe the service performed on the vehicle, but the repair facility is not required to provide any pricing information for parts or labor.

(4) A copy of the estimate, unless waived, shall be provided to the customer or customer's designee prior to providing parts or labor as required under RCW 46.71.025. A copy of the invoice shall be provided to the customer upon completion of the repairs.

(5) Only material omissions, under this section, are actionable in a court of law or equity.

[1993 c 424 § 3.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.021 Disposition of replaced parts.

Applicable Cases

Except for parts covered by a manufacturer's or other warranty or parts that must be returned to a distributor, remanufacturer, or rebuilder, the repair facility shall return replaced parts to the customer at the time the work is completed if the customer requested the parts at the time of authorization of the repair. If a customer at the time of authorization of the repair requests the return of a part that must be returned to the manufacturer, remanufacturer, distributor, recycler, or rebuilder, or must be disposed of as required by law, the repair facility shall offer to show the part to the customer. The repair facility need not show a replaced part if no charge is being made for the replacement part.

[1993 c 424 § 4.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.025 Estimate required--Alternatives--Authorization to exceed.

Applicable Cases

(1) Except as provided in subsection (3) of this section, a repair facility prior to providing parts or labor shall provide the customer or the customer's designee with a written price estimate of the total cost of the repair, including parts and labor, or where collision repair is involved, aftermarket body parts or nonoriginal equipment manufacturer body parts, if applicable, or offer the following alternatives:

"YOU ARE ENTITLED TO A WRITTEN PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. YOU ARE ALSO ENTITLED TO REQUIRE THE REPAIR FACILITY TO OBTAIN YOUR ORAL OR WRITTEN AUTHORIZATION TO EXCEED THE WRITTEN PRICE ESTIMATE. YOUR SIGNATURE OR INITIALS WILL INDICATE YOUR SELECTION.

- 1. I request an estimate in writing before you begin repairs. Contact me if the price will exceed this estimate by more than ten percent.
- 2. Proceed with repairs but contact me if the price will exceed \$.
- 3. I do not want a written estimate.

..... (Initial or signature)

Date: Time:"

(2) The repair facility may not charge the customer more than one hundred ten percent, exclusive of retail sales tax, of the total shown on the written price estimate. Neither of these limitations apply if, before providing additional parts or labor the repair facility obtains either the oral or written authorization of the customer, or the customer's designee, to exceed the written price estimate. The repair facility or its representative shall note on the estimate the date and time of obtaining an oral authorization, the additional parts and labor required, the estimated cost of the additional parts and labor, or where collision repair is involved, aftermarket body parts or nonoriginal equipment manufacturer body parts, if applicable, the name or identification number of the employee who obtains the authorization, and the name and telephone number of the person authorizing the additional costs.

(3) A written estimate shall not be required when the customer's motor vehicle or component has been brought to an automotive repair facility's regular place of business without face-to-face contact between the customer and the repair facility. Face-to-face contact means actual in-person discussion between the customer or his or her designee and the agent or employee of the automotive repair facility authorized to intake vehicles or components.

However, prior to providing parts and labor, the repair facility must obtain either the oral or written authorization of the customer or the customer's designee. The repair facility or its representative shall note on the estimate or repair order the date and time of obtaining an oral authorization, the total amount authorized, the name or identification number of the employee who obtains the authorization, and the name of the person authorizing the repairs.

[1993 c 424 § 5.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.031 Required signs.

Applicable Cases

An automotive repair facility shall post in a prominent place on the business premises one or more signs, readily visible to customers, in the following form:

"YOUR CUSTOMER RIGHTS
YOU ARE ENTITLED BY LAW TO:

1. A WRITTEN ESTIMATE FOR REPAIRS WHICH WILL COST MORE THAN ONE HUNDRED DOLLARS, UNLESS WAIVED OR ABSENT FACE-TO-FACE CONTACT (SEE ITEM 4 BELOW);
2. RETURN OR INSPECTION OF ALL REPLACED PARTS, IF REQUESTED AT TIME OF REPAIR AUTHORIZATION;
3. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS WHICH EXCEED THE ESTIMATED TOTAL PRESALES TAX COST BY MORE THAN TEN PERCENT;
4. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR VEHICLE IS LEFT WITH THE REPAIR FACILITY WITHOUT FACE-TO-FACE CONTACT BETWEEN YOU AND THE REPAIR FACILITY PERSONNEL.

IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE WITH THE ABOVE INFORMATION YOU ARE REQUIRED TO PAY FOR THE COSTS OF THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES."

The first line of each sign shall be in letters not less than one and one-half inch in height and the remaining lines shall be in letters not less than one-half inch in height.

[1993 c 424 § 6.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.035 Failure to comply with estimate requirements.

Applicable Cases

An automotive repair facility that fails to comply with the estimate requirements of RCW 46.71.025 is barred from recovering in an action to recover for automotive repairs any amount in excess of one hundred ten percent of the amount authorized by the customer, or the customer's designee, unless the repair facility proves by a preponderance of the evidence that its conduct was reasonable, necessary, and justified under the circumstances. In an action to recover for automotive repairs the prevailing party may, at the discretion of the court, recover the costs of the action and reasonable attorneys' fees.

[1993 c 424 § 7.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.041 Liens barred for failure to comply.

Applicable Cases

A repair facility that fails to comply with RCW 46.71.021, 46.71.025, or 46.71.031 is barred from asserting a possessory or chattel lien for the amount of the unauthorized parts or labor upon the motor vehicle or component.

[1993 c 424 § 8.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.045 Unlawful acts or practices.

Applicable Cases

Each of the following acts or practices are unlawful:

(1) Advertising that is false, deceptive, or misleading. A single or isolated media mistake does not constitute a false, deceptive, or misleading statement or misrepresentation under this section;

(2) Materially understating or misstating the estimated price for a specified repair procedure;

(3) Retaining payment from a customer for parts not delivered or installed or a labor operation or repair procedure that has not actually been performed;

(4) Unauthorized operation of a customer's vehicle for purposes not related to repair or diagnosis;

(5) Failing or refusing to provide a customer, upon request, a copy, at no charge, of any document signed by the customer;

(6) Retaining duplicative payment from both the customer and the warranty or extended service contract provider for the same covered component, part, or labor;

(7) Charging a customer for unnecessary repairs. For purposes of this subsection

"unnecessary repairs" means those for which there is no reasonable basis for performing the service. A reasonable basis includes, but is not limited to: (a) That the repair service is consistent with specifications established by law or the manufacturer of the motor vehicle, component, or part; (b) that the repair is in accordance with accepted industry standards; or (c) that the repair was performed at the specific request of the customer.

[1993 c 424 § 9.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.051 Copy of warranty.

Applicable Cases

The repair facility shall make available, upon request, a copy of any express warranty provided by the repair facility to the customer that covers repairs performed on the vehicle.

[1993 c 424 § 10.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.060 Retention of price estimates and invoices.

Applicable Cases

Every automotive repair facility shall retain and make available for inspection, upon request by the customer or the customer's authorized representative, true copies of the written price estimates and invoices required under this chapter for at least one year after the date on which the repairs were performed.

[1993 c 424 § 11; 1982 c 62 § 7; 1977 ex.s. c 280 § 6.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.070 Consumer Protection Act--Defense.

Applicable Cases

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the Consumer Protection Act, chapter 19.86 RCW. In an action under chapter 19.86 RCW due to an automotive repair facility's charging a customer an amount in excess of one hundred ten percent of the amount authorized by the customer, a violation shall not be found if the automotive repair facility proves by a preponderance of the evidence that its conduct was reasonable, necessary, and justified under the circumstances.

Notwithstanding RCW 46.64.050, no violation of this chapter shall give rise to criminal

liability under that section.

[1993 c 424 § 12; 1982 c 62 § 9; 1977 ex.s. c 280 § 7.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

RCW 46.71.080 Notice of chapter to vehicle owners.

Applicable Cases

Whenever a vehicle license renewal form under RCW 46.16.210 is given to the registered owner of any vehicle, the department of licensing shall give to the owner written notice of the provisions of this chapter in a manner prescribed by the director of licensing.

[1982 c 62 § 10.]

RCW 46.71.090 Notice of chapter to repair facilities.

Applicable Cases

When the department of revenue issues a registration certificate under RCW 82.32.030 to an automotive repair facility, it shall give written notice to the person of the requirements of this chapter in a manner prescribed by the director of revenue. The department of revenue shall thereafter give the notice on an annual basis in conjunction with the business and occupation tax return provided to each person holding a registration certificate as an automotive repair facility.

[1993 c 424 § 13; 1982 c 62 § 11.]

Notes:

Severability--Effective date--1993 c 424: See notes following RCW 46.71.005.

**Chapter 46.72 RCW
TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES**

RCW

46.72.001	Finding and intent.
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46.72.030	Permit fee--Issuance--Display.
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46.72.100	Refusal, suspension, or revocation of permit or certificate--Penalty for unlawful operation.
46.72.110	Fees to highway safety fund.
46.72.120	Rules.
46.72.130	Nonresident taxicabs--Permit--Fee--Compliance.
46.72.140	Nonresident taxicabs--Permit required for entry.
46.72.150	Nonresident taxicabs--Reciprocity.
46.72.160	Local regulation.

46.72.170 Joint regulation.

Notes:

Age of drivers of for hire vehicles: RCW 46.20.045.

Taxicab companies, local regulation: Chapter 81.72 RCW.

RCW 46.72.001 Finding and intent.

Applicable Cases

The legislature finds and declares that privately operated for hire transportation service is a vital part of the transportation system within the state. Consequently, the safety, reliability, and stability of privately operated for hire transportation services are matters of state-wide importance. The regulation of privately operated for hire transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit political subdivisions of the state to regulate for hire transportation services without liability under federal antitrust laws.

[1996 c 87 § 17.]

RCW 46.72.010 Definitions.

Applicable Cases

When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles under chapter 46.74 RCW, limousine carriers licensed under chapter 46.72A RCW, vehicles used by nonprofit transportation providers for elderly or handicapped persons and their attendants under chapter 81.66 RCW, vehicles used by auto transportation companies licensed under chapter 81.68 RCW, vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices, and vehicles used by charter party carriers of passengers and excursion service carriers licensed under chapter 81.70 RCW;

(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

[1996 c 87 § 18; 1991 c 99 § 1; 1979 c 111 § 14; 1961 c 12 § 46.72.010. Prior: 1947 c 253 § 1; Rem. Supp. 1947 § 6386-1. Formerly RCW 81.72.010.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

RCW 46.72.020 Permit required--Form of application.

Applicable Cases

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of licensing, except for those for hire

operators regulated by cities or counties in accordance with chapter 81.72 RCW. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require.

[1992 c 114 § 1; 1979 c 158 § 188; 1967 c 32 § 80; 1961 c 12 § 46.72.020. Prior: 1947 c 253 § 2; Rem. Supp. 1947 § 6386-2; prior: 1915 c 57 § 1; RRS § 6382. Formerly RCW 81.72.020.]

RCW 46.72.030 Permit fee--Issuance--Display.

Applicable Cases

Application for a permit shall be forwarded to the director with a fee. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner.

[1992 c 114 § 2; 1967 c 32 § 81; 1961 c 12 § 46.72.030. Prior: 1947 c 253 § 3; Rem. Supp. 1947 § 6386-3; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.030.]

RCW 46.72.040 Surety bond.

Applicable Cases

Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

[1973 c 15 § 1; 1967 c 32 § 82; 1961 c 12 § 46.72.040. Prior: 1947 c 253 § 4; Rem. Supp. 1947 § 6386-4; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.040.]

RCW 46.72.050 Liability coverage--Right of action saved.

Applicable Cases

In lieu of the surety bond as provided in this chapter, there may be deposited and kept on

file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of RCW 46.72.040. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

[1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

RCW 46.72.060 Right of action--Limitation of recovery.

Applicable Cases

Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers over and along any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

[1961 c 12 § 46.72.060. Prior: 1947 c 253 § 6; Rem. Supp. 1947 § 6386-6; prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384. Formerly RCW 81.72.060.]

RCW 46.72.070 Certificate--Fee.

Applicable Cases

The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee.

[1992 c 114 § 3; 1967 c 32 § 84; 1961 c 12 § 46.72.070. Prior: 1947 c 253 § 7; Rem. Supp. 1947 § 6386-7. Formerly RCW 81.72.070.]

RCW 46.72.080 Substitution of security--New certificate.

Applicable Cases

In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee. If the director approves the

substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee.

[1992 c 114 § 4; 1967 c 32 § 85; 1961 c 12 § 46.72.080. Prior: 1947 c 253 § 8; Rem. Supp. 1947 § 6386-8. Formerly RCW 81.72.080.]

RCW 46.72.100 Refusal, suspension, or revocation of permit or certificate--Penalty for unlawful operation.

Applicable Cases

The director may refuse to issue a permit or certificate, or he may suspend or revoke a permit or certificate if he has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (1) He has been convicted of an offense of such a nature as to indicate that he is unfit to hold a certificate or permit; (2) he is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (3) he has been convicted of vehicular homicide or vehicular assault; (4) he is intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend, or revoke the permit or certificate shall be given by certified mail to the holder or applicant for the permit or certificate and shall designate a time and place for a hearing before the director, which shall not be less than ten days from the date of the notice. If the director, after the hearing, decides that a permit shall be canceled or revoked, he shall notify the holder or applicant to that effect by certified mail. The applicant or permit holder may within thirty days from the date of the decision appeal to the superior court of Thurston county for a review of the decision by filing a copy of the notice with the clerk of the superior court and a copy of the notice in the office of the director. The court shall set the matter down for hearing with the least possible delay.

Any for hire operator who operates a for hire vehicle without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter is guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment.

[1983 c 164 § 8; 1967 c 32 § 86; 1961 c 12 § 46.72.100. Prior: 1947 c 253 § 9; Rem. Supp. 1947 § 6386-9; prior: 1915 c 57 § 4; RRS § 6385. Formerly RCW 81.72.100.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

RCW 46.72.110 Fees to highway safety fund.

Applicable Cases

All fees received by the director under the provisions of this chapter shall be transmitted by him, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund.

[1967 c 32 § 87; 1961 c 12 § 46.72.110. Prior: 1947 c 253 § 10; Rem. Supp. 1947 § 6386-10. Formerly RCW

81.72.110.]

RCW 46.72.120 Rules.

Applicable Cases

The director is empowered to make and enforce such rules and regulations, including the setting of fees, as may be consistent with and necessary to carry out the provisions of this chapter.

[1992 c 114 § 5; 1967 c 32 § 88; 1961 c 12 § 46.72.120. Prior: 1947 c 253 § 11; Rem. Supp. 1947 § 6386-11. Formerly RCW 81.72.120.]

RCW 46.72.130 Nonresident taxicabs--Permit--Fee--Compliance.

Applicable Cases

No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

[1992 c 114 § 6; 1967 c 32 § 89; 1961 c 12 § 46.72.130. Prior: 1953 c 12 § 1; 1951 c 219 § 1. Formerly RCW 81.72.130.]

RCW 46.72.140 Nonresident taxicabs--Permit required for entry.

Applicable Cases

All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle.

[1967 c 32 § 90; 1961 c 12 § 46.72.140. Prior: 1951 c 219 § 2. Formerly RCW 81.72.140.]

RCW 46.72.150 Nonresident taxicabs--Reciprocity.

Applicable Cases

RCW 46.72.130 and 46.72.140 shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations.

[1961 c 12 § 46.72.150. Prior: 1951 c 219 § 3. Formerly RCW 81.72.150.]

RCW 46.72.160 Local regulation.

Applicable Cases

Cities, counties, and port districts may license, control, and regulate all for hire vehicles operating within their respective jurisdictions. The power to regulate includes:

(1) Regulating entry into the business of providing for hire vehicle transportation services;

(2) Requiring a license to be purchased as a condition of operating a for hire vehicle and the right to revoke, cancel, or refuse to reissue a license for failure to comply with regulatory requirements;

(3) Controlling the rates charged for providing for hire vehicle transportation service and the manner in which rates are calculated and collected;

(4) Regulating the routes and operations of for hire vehicles, including restricting access to airports;

(5) Establishing safety and equipment requirements; and

(6) Any other requirements adopted to ensure safe and reliable for hire vehicle transportation service.

[1996 c 87 § 19.]

RCW 46.72.170 Joint regulation.

Applicable Cases

The department, a city, county, or port district may enter into cooperative agreements with any other city, town, county, or port district for the joint regulation of for hire vehicles. Cooperative agreements may provide for, but are not limited to, the granting, revocation, and suspension of joint for hire vehicle licenses.

[1996 c 87 § 20.]

Chapter 46.72A RCW LIMOUSINES

RCW

46.72A.010	Finding and intent.
46.72A.020	Office required--Exception.
46.72A.030	Regulation--Inspection.
46.72A.040	State preemption.
46.72A.050	Business license, vehicle certificates required.
46.72A.060	Insurance--Amount--Penalty.
46.72A.070	Vehicle certificates--Issuance of new or duplicate certificate--Penalty.
46.72A.080	Advertising--Penalty.
46.72A.090	Chauffeurs--Criteria for.
46.72A.100	Actions against license--Chauffeur.
46.72A.110	Deposit of fees.
46.72A.120	Rules and fees.
46.72A.130	Continued operation of existing limousines.

RCW 46.72A.010 Finding and intent.

Applicable Cases

The legislature finds and declares that privately operated limousine transportation service is a vital part of the transportation system within the state and provides prearranged transportation services to state residents, tourists, and out-of-state business people. Consequently, the safety, reliability, and stability of privately operated limousine transportation services are matters of state-wide importance. The regulation of privately operated limousine transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to

permit the department and a port district in a county with a population of one million or more to regulate limousine transportation services without liability under federal antitrust laws.

[1996 c 87 § 4.]

Notes:

Transfer of powers, duties, and functions--1996 c 87: "(1) All powers, duties, and functions of the utilities and transportation commission pertaining to the regulation of limousines and limousine charter party carriers are transferred to the department of licensing. All references to the utilities and transportation commission in the Revised Code of Washington shall be construed to mean the director or the department of licensing when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the utilities and transportation commission in carrying out the powers, functions, and duties transferred shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of licensing.

(b) Any appropriations made to the utilities and transportation commission for carrying out the powers, functions, and duties transferred shall, on June 6, 1996, be transferred and credited to the department of licensing.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the utilities and transportation commission pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

(4) The transfer of the powers, duties, and functions of the utilities and transportation commission shall not affect the validity of any act performed before June 6, 1996.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification." [1996 c 87 § 22.]

RCW 46.72A.020 Office required--Exception.

Applicable Cases

All limousine carriers must operate from a main office and may have satellite offices. However, no office may be solely in a vehicle of any type. All arrangements for the carrier's services must be made through its offices and dispatched to the carrier's vehicles. Under no circumstances may customers or customers' agents make arrangements for immediate rental of a carrier's vehicle with the driver of the vehicle, even if the driver is an owner or officer of the company, with the single exception of stand-hail limousines only at a facility owned and operated by a port district in a county with a population of one million or more that are licensed and restricted by the rules and policies set forth by the port district.

[1996 c 87 § 5.]

RCW 46.72A.030 Regulation--Inspection.

Applicable Cases

(1) The department, in conjunction with the Washington state patrol, shall regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The department shall adopt rules and require such reports as are necessary to carry out this chapter.

(2) In addition, a port district in a county with a population of one million or more may regulate limousine carriers with respect to entry, safety of equipment, chauffeur qualifications, and operations. The county in which the port district is located may adopt ordinances and rules to assist the port district in enforcement of limousine regulations only at port facilities. In no event may this be construed to grant the county the authority to regulate limousines within its jurisdiction. The port district may not set limousine rates, but the limousine carriers shall file their rates and schedules with the port district.

(3) The department, a port district in a county with a population of at least one million, or a county in which the port district is located may enter into cooperative agreements for the joint regulation of limousines.

(4) The Washington state patrol shall annually conduct a vehicle inspection of each limousine licensed under this chapter, except when a port district regulates limousine carriers under subsection (2) of this section, that port district or county in which the port [district] is located shall conduct the annual vehicle inspection. The patrol, the port district, or the county may impose an annual vehicle inspection fee.

[1996 c 87 § 6.]

RCW 46.72A.040 State preemption.

Applicable Cases

Except when a port district regulates limousine carriers under RCW 46.72A.030, the state of Washington fully occupies and preempts the entire field of regulation over limousine carriers as regulated by this chapter. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to limousine carriers that are consistent with this chapter.

[1996 c 87 § 7.]

RCW 46.72A.050 Business license, vehicle certificates required.

Applicable Cases

No limousine carrier may operate a limousine upon the highways of this state without first obtaining a business license from the department. The applicant shall forward an application for a business license to the department along with a fee established by rule. Upon approval of the application, the department shall issue a business license and unified business identifier authorizing the carrier to operate limousines upon the highways of this state.

In addition, a limousine carrier shall annually obtain, upon payment of the appropriate fee, a vehicle certificate for each limousine operated by the carrier.

[1996 c 87 § 8.]

RCW 46.72A.060 Insurance--Amount--Penalty.

Applicable Cases

The department shall require limousine carriers to obtain and continue in effect, liability and property damage insurance from a company licensed to sell liability insurance in this state for each limousine used to transport persons for compensation.

The department shall fix the amount of the insurance policy or policies, giving consideration to the character and amount of traffic, the number of persons affected, and the degree of danger that the proposed operation involves. The limousine carrier must maintain the liability and property damage insurance in force on each motor-propelled vehicle while so used.

Failure to file and maintain in effect this insurance is a gross misdemeanor.

[1996 c 87 § 9.]

RCW 46.72A.070 Vehicle certificates--Issuance of new or duplicate certificate--Penalty.

Applicable Cases

If the limousine carrier substitutes a liability and property damage insurance policy after a vehicle certificate has been issued, a new vehicle certificate is required. The limousine carrier shall submit the substituted policy to the department for approval, together with a fee. If the department approves the substituted policy, the department shall issue a new vehicle certificate.

If a vehicle certificate has been lost, destroyed, or stolen, a duplicate vehicle certificate may be obtained by filing an affidavit of loss and paying a fee. A limousine carrier who operates a vehicle without first having received a vehicle certificate as required by this chapter is guilty of a misdemeanor on the first offense and a gross misdemeanor on a second or subsequent offense.

[1996 c 87 § 10.]

RCW 46.72A.080 Advertising--Penalty.

Applicable Cases

(1) No limousine carrier may advertise without listing the carrier's unified business identifier issued by the department in the advertisement and specifying the type of service offered as provided in RCW 46.04.274. No limousine carrier may advertise or hold itself out to the public as providing taxicab transportation services.

(2) All advertising, contracts, correspondence, cards, signs, posters, papers, and documents that show a limousine carrier's name or address shall list the carrier's unified business identifier and the type of service offered. The alphabetized listing of limousine carriers appearing in the advertising sections of telephone books or other directories and all advertising that shows the carrier's name or address must show the carrier's current unified business identifier.

(3) Advertising in the alphabetical listing in a telephone directory need not contain the carrier's certified business identifier.

(4) Advertising by electronic transmission need not contain the carrier's unified business identifier if the carrier provides it to the person selling the advertisement and it is recorded in the advertising contract.

(5) It is a gross misdemeanor for a person to (a) falsify a unified business identifier or use a false or inaccurate unified business identifier; (b) fail to specify the type of service offered; or (c) advertise or otherwise hold itself out to the public as providing taxicab transportation services in connection with a solicitation or identification as an authorized limousine carrier.

[1997 c 193 § 1; 1996 c 87 § 11.]

RCW 46.72A.090 Chauffeurs--Criteria for.

Applicable Cases

The limousine carrier shall certify to the appropriate regulating authority that each chauffeur hired to operate a limousine meets the following criteria: (1) Is at least twenty-one years of age; (2) holds a valid Washington state driver's license; (3) has successfully completed a training course approved by the department; (4) has successfully passed a written examination; (5) has successfully completed a background check performed by the Washington state patrol; and (6) has submitted a medical certificate certifying the individual's fitness as a chauffeur. Upon initial application and every three years thereafter, a chauffeur must file a physician's certification with the limousine carrier validating the individual's fitness to drive a limousine. The department shall determine the scope of the examination. The director may require a chauffeur to be reexamined at any time.

The limousine carrier shall keep on file and make available for inspection all documents required by this section.

[1996 c 87 § 12.]

RCW 46.72A.100 Actions against license--Chauffeur.

Applicable Cases

The department may suspend, revoke, or refuse to issue a license if it has good reason to believe that one of the following is true of a chauffeur hired to drive a limousine: (1) The person has been convicted of an offense of such a nature as to indicate that he or she is unfit to qualify as a chauffeur; (2) the person is guilty of committing two or more offenses for which mandatory revocation of a driver's license is provided by law; (3) the person has been convicted of vehicular homicide or vehicular assault; (4) the person is intemperate or addicted to narcotics.

[1996 c 87 § 13.]

RCW 46.72A.110 Deposit of fees.

Applicable Cases

The department shall transmit all fees received under this chapter, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the master license fund.

[1996 c 87 § 14.]

RCW 46.72A.120 Rules and fees.

Applicable Cases

The department may adopt and enforce such rules, including the setting of fees, as may be consistent with and necessary to carry out this chapter. The fees must approximate the cost of administration.

[1996 c 87 § 15.]

RCW 46.72A.130 Continued operation of existing limousines.

Applicable Cases

A vehicle operated as a limousine under *chapter 81.90 RCW before April 1, 1996, may continue to operate as a limousine even though it may not meet the definition of limousine in RCW 46.04.274 as long as the owner is the same as the registered owner on April 1, 1996, and the vehicle and limousine carrier otherwise comply with this chapter.

[1996 c 87 § 16.]

Notes:

***Reviser's note:** Chapter 81.90 RCW was repealed by 1996 c 87 § 23.

**Chapter 46.73 RCW
PRIVATE CARRIER DRIVERS**

RCW

- 46.73.010 Qualifications and hours of service.
- 46.73.020 Federal funds as necessary condition.
- 46.73.030 Penalty.

Notes:

Rules of court: *Monetary penalty schedule--IRLJ 6.2.*

RCW 46.73.010 Qualifications and hours of service.

Applicable Cases

The Washington state patrol may adopt rules establishing standards for qualifications and hours of service of drivers for private carriers as defined by RCW 81.80.010(6). Such standards shall correlate with and, as far as reasonable, conform to the regulations contained in Title 49 C.F.R., Chapter 3, Subchapter B, Parts 391 and 395, on July 28, 1985. At least thirty days before filing notice of the proposed rules with the code reviser, the state patrol shall submit them to the legislative transportation committee for review.

[1985 c 333 § 1.]

Notes:

Legislative transportation committee: Chapter 44.40 RCW.

RCW 46.73.020 Federal funds as necessary condition.

Applicable Cases

The delegation of rule-making authority contained in RCW 46.73.010 is conditioned upon the continued receipt of federal funds or grants for the support of state enforcement of such rules. Within ninety days of finding that federal funds or grants are withdrawn or not renewed, the Washington state patrol and the Washington utilities and transportation commission shall repeal any and all rules adopted under RCW 46.73.010.

[1985 c 333 § 2.]

RCW 46.73.030 Penalty.

Applicable Cases

A violation of any rule adopted by the Washington state patrol under RCW 46.73.010 is a traffic infraction.

[1985 c 333 § 3.]

**Chapter 46.74 RCW
RIDE SHARING**

RCW

- 46.74.010 Definitions.
- 46.74.020 Exclusion from for hire vehicle laws.
- 46.74.030 Operators.

Notes:

Acquisition and disposal of vehicle for commuter ride sharing by city employees: RCW 35.21.810.
Public utility tax exemption: RCW 82.16.047.
State-owned vehicles used for commuter ride sharing: RCW 43.41.130.

RCW 46.74.010 Definitions.

Applicable Cases

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers, or (b) not fewer than four persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institution.

(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby

a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider as defined in RCW 81.66.010(3) in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long: PROVIDED, That the driver need not be a person with special transportation needs.

(4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing, flexible commuter ride sharing, or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, or any other political subdivision that owns or leases a ride-sharing vehicle.

(5) "Ride-sharing promotional activities" means those activities involved in forming a commuter ride-sharing arrangement or a flexible commuter ride-sharing arrangement, including but not limited to receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

(6) "Persons with special transportation needs" means those persons defined in RCW 81.66.010(4).

[1997 c 250 § 8; 1997 c 95 § 1; 1996 c 244 § 2; 1979 c 111 § 1.]

Notes:

Reviser's note: This section was amended by 1997 c 95 § 1 and by 1997 c 250 § 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1979 c 111: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 111 § 21.]

RCW 46.74.020 Exclusion from for hire vehicle laws.

Applicable Cases

Ride-sharing vehicles are not deemed for hire vehicles and do not fall within the provisions of chapter 46.72 RCW or any other provision of Title 46 RCW affecting for hire vehicles, whether or not the ride-sharing operator receives compensation.

[1979 c 111 § 2.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

RCW 46.74.030 Operators.

Applicable Cases

The operator and the driver of a commuter ride-sharing vehicle or a flexible commuter ride-sharing vehicle shall be held to a reasonable and ordinary standard of care, and are not subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of motor vehicles operated for hire, or other common carriers or public transit carriers. No person, entity, or concern may, as a result of engaging in ride-sharing promotional activities, be liable for civil damages arising directly or indirectly (1) from the maintenance and operation of a commuter ride-sharing or flexible commuter ride-sharing vehicle; or (2) from an intentional act of another person who is participating or proposing to participate in a commuter ride-sharing or flexible commuter ride-sharing arrangement, unless the ride-sharing operator or promoter had prior, actual knowledge that the intentional act was likely to occur and had a reasonable ability to prevent the act from occurring.

[1997 c 250 § 9; 1996 c 244 § 3; 1979 c 111 § 3.]

Notes:

Severability--1979 c 111: See note following RCW 46.74.010.

Chapter 46.76 RCW MOTOR VEHICLE TRANSPORTERS

RCW

46.76.010	License required--Exceptions--"Driveaway," "towaway," method defined.
46.76.020	Application for license.
46.76.030	Issuance of license--Plates.
46.76.040	License and plate fees.
46.76.050	Expiration, renewal--Fee.
46.76.055	Staggering renewal periods.
46.76.060	Display of plates--Nontransferability.
46.76.065	Grounds for denial, suspension, or revocation of license.
46.76.067	Compliance with chapter 81.80 RCW.
46.76.070	Rules.
46.76.080	Penalty.

RCW 46.76.010 License required--Exceptions--"Driveaway," "towaway," method defined.

Applicable Cases

It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of delivering by the driveaway or towaway methods vehicles not his own and of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter.

This shall not apply to motor freight carriers or operations regularly licensed under the provisions of chapter 81.80 RCW to haul such vehicles on trailers or semitrailers.

Driveaway or towaway methods means the delivery service rendered by a motor vehicle transporter wherein motor vehicles are driven singly or in combinations by the towbar, saddlemount or fullmount methods or any lawful combinations thereof, or where a truck or truck-tractor draws or tows a semitrailer or trailer.

[1961 c 12 § 46.76.010. Prior: 1957 c 107 § 1; 1953 c 155 § 1; 1947 c 97 § 1; Rem. Supp. 1947 § 6382-75.]

RCW 46.76.020 Application for license.

Applicable Cases

Application for a transporter's license shall be made on a form provided for that purpose by the director of licensing and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director may require.

[1979 c 158 § 189; 1967 c 32 § 91; 1961 c 12 § 46.76.020. Prior: 1947 c 97 § 2; Rem. Supp. 1947 § 6382-76.]

RCW 46.76.030 Issuance of license--Plates.

Applicable Cases

Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

[1967 c 32 § 92; 1961 c 12 § 46.76.030. Prior: 1947 c 97 § 3; Rem. Supp. 1947 § 6382-77.]

RCW 46.76.040 License and plate fees.

Applicable Cases

The fee for an original transporter's license is twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under this chapter. The plates may be obtained for a fee of two dollars for each set.

[1990 c 250 § 68; 1961 c 12 § 46.76.040. Prior: 1957 c 107 § 2; 1947 c 97 § 4; Rem. Supp. 1947 § 6382-78.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.76.050 Expiration, renewal--Fee.

Applicable Cases

A transporter's license expires on the date assigned by the director, and may be renewed by filing a proper application and paying an annual fee of fifteen dollars.

[1985 c 109 § 3; 1961 c 12 § 46.76.050. Prior: 1947 c 97 § 5; Rem. Supp. 1947 § 6382-79.]

RCW 46.76.055 Staggering renewal periods.

Applicable Cases

Notwithstanding any provision of law to the contrary, the director may extend or diminish the licensing period of transporters for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

[1985 c 109 § 4.]

RCW 46.76.060 Display of plates--Nontransferability.

Applicable Cases

Transporter's license plates shall be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods. These plates shall not be loaned to or used by any person other than the holder of the license or his employees.

[1961 c 12 § 46.76.060. Prior: 1957 c 107 § 3; 1947 c 97 § 6; Rem. Supp. 1947 § 6382-80.]

RCW 46.76.065 Grounds for denial, suspension, or revocation of license.

Applicable Cases

The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates for driveaway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates;

(4) Using transporter plates for any purpose other than as provided under RCW 46.76.010; or

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter.

[1977 ex.s. c 254 § 1.]

RCW 46.76.067 Compliance with chapter 81.80 RCW.

Applicable Cases

(1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates and do not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that are licensed

and delivering the mobile home under chapter 46.70 RCW.

[1988 c 239 § 4.]

RCW 46.76.070 Rules.

Applicable Cases

The director may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter.

[1967 c 32 § 93; 1961 c 12 § 46.76.070. Prior: 1947 c 97 § 7; Rem. Supp. 1947 § 6382-81.]

RCW 46.76.080 Penalty.

Applicable Cases

The violation of any provision of this chapter is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation.

[1979 ex.s. c 136 § 96; 1961 c 12 § 46.76.080. Prior: 1947 c 97 § 8; Rem. Supp. 1947 § 6382-82.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

**Chapter 46.79 RCW
HULK HAULERS AND SCRAP PROCESSORS**

RCW

46.79.010	Definitions.
46.79.020	Transporting junk vehicles to scrap processor--Removal of parts, restrictions.
46.79.030	Application for license, renewal--Form--Signature--Contents.
46.79.040	Application forwarded with fees--Issuance of license--Disposition of fees--Display of license.
46.79.050	License expiration--Renewal fee--Surrender of license, when.
46.79.055	Staggering renewal periods.
46.79.060	Special license plates--Fee.
46.79.070	Acts subject to penalties.
46.79.080	Rules.
46.79.090	Inspection of premises and records--Certificate of inspection.
46.79.100	Other provisions to comply with chapter.
46.79.110	Chapter not to prohibit individual towing of vehicles to wreckers or processors.
46.79.120	Unlicensed hulk hauling or scrap processing--Penalty.
46.79.130	Wholesale motor vehicle auction dealers.

RCW 46.79.010 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter unless the context indicates otherwise.

(1) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

- (a) Is three years old or older;
 - (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
 - (c) Is apparently inoperable;
 - (d) Is without a valid, current registration plate;
 - (e) Has a fair market value equal only to the value of the scrap in it.
- (2) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.
- (3) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.
- (4) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed *motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell second-hand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed *motor vehicle wrecker or disposed of at a public facility for waste disposal.
- (5) "Director" means the director of licensing.
- (6) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, and hoods.

[1990 c 250 § 69; 1983 c 142 § 2; 1979 c 158 § 190; 1971 ex.s. c 110 § 1.]

Notes:

*Reviser's note: "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.79.020 Transporting junk vehicles to scrap processor--Removal of parts, restrictions.

Applicable Cases

Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

- (1) Notwithstanding any other provision of law, transport any flattened or junk vehicle whether such vehicle is from in state or out of state, to a scrap processor upon obtaining the certificate of title or release of interest from the owner or an affidavit of sale from the landowner who has complied with RCW 46.55.230. The scrap processor shall forward such document(s) to the department, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.
- (2) Prepare vehicles and vehicle salvage for transportation and delivery to a scrap processor or vehicle wrecker only by removing the following vehicle parts:
 - (a) Gas tanks;
 - (b) Vehicle seats containing springs;
 - (c) Tires;

- (d) Wheels;
- (e) Scrap batteries;
- (f) Scrap radiators.

Such parts may not be removed if they will be accepted by a scrap processor or wrecker. Such parts may be removed only at a properly zoned location, and all preparation activity, vehicles, and vehicle parts shall be obscured from public view. Storage is limited to two vehicles or the parts thereof which are authorized by this subsection, and any such storage may take place only at a properly zoned location. Any vehicle parts removed under the authority of this subsection shall be lawfully disposed of at or through a public facility or service for waste disposal or by sale to a licensed *motor vehicle wrecker.

[1990 c 250 § 70; 1987 c 62 § 1; 1983 c 142 § 3; 1979 c 158 § 191; 1971 ex.s. c 110 § 2.]

Notes:

- ***Reviser's note:** "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.
- Severability--1990 c 250:** See note following RCW 46.16.301.

RCW 46.79.030 Application for license, renewal--Form--Signature--Contents.

Applicable Cases

Application for a hulk hauler's license or a scrap processor's license or renewal of a hulk hauler's license or a scrap processor's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the applicant or his authorized agent and shall include the following information:

- (1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;
- (2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;
- (3) Certificate of approval of the chief of police of any city or town, wherever located, having a population of over five thousand persons and in all other instances a member of the state patrol certifying that the applicant can be found at the address shown on the application, and;
- (4) Any other information that the director may require.

[1971 ex.s. c 110 § 3.]

RCW 46.79.040 Application forwarded with fees--Issuance of license--Disposition of fees--Display of license.

Applicable Cases

Application for a hulk hauler's license, together with a fee of ten dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue the license applied for authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address

shown in his application, where it may be inspected by an investigating officer at any time.

[1971 ex.s. c 110 § 4.]

RCW 46.79.050 License expiration--Renewal fee--Surrender of license, when.

Applicable Cases

A license issued pursuant to this chapter expires on the date assigned by the director, and may be renewed by filing a proper application and payment of a fee of ten dollars.

Whenever a hulk hauler or scrap processor ceases to do business or the license has been suspended or revoked, the license shall immediately be surrendered to the director.

[1985 c 109 § 5; 1983 c 142 § 4; 1971 ex.s. c 110 § 5.]

RCW 46.79.055 Staggering renewal periods.

Applicable Cases

Notwithstanding any provision of law to the contrary, the director may extend or diminish the licensing period of hulk haulers and scrap processors for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW.

[1985 c 109 § 6.]

RCW 46.79.060 Special license plates--Fee.

Applicable Cases

The hulk hauler or scrap processor shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him and used in the conduct of his business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

[1971 ex.s. c 110 § 6.]

RCW 46.79.070 Acts subject to penalties.

Applicable Cases

The director may by order pursuant to the provisions of chapter 34.05 RCW, deny, suspend, or revoke the license of any hulk hauler or scrap processor or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed five hundred dollars per violation, whenever the director finds that the applicant or licensee:

(1) Removed a vehicle or vehicle major component part from property without obtaining both the written permission of the property owner and documentation approved by the department for acquiring vehicles, junk vehicles, or major component parts thereof;

(2) Acquired, disposed of, or possessed a vehicle or major component part thereof when he or she knew that such vehicle or part had been stolen or appropriated without the consent of the owner;

(3) Sold, bought, received, concealed, had in his or her possession, or disposed of a vehicle or major component part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(4) Committed forgery or made any material misrepresentation on any document relating to the acquisition, disposition, registration, titling, or licensing of a vehicle pursuant to Title 46 RCW;

(5) Committed any dishonest act or omission which has caused loss or serious inconvenience as a result of the acquisition or disposition of a vehicle or any major component part thereof;

(6) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

(7) Been authorized to remove a particular vehicle or vehicles and failed to take all remnants and debris from those vehicles from that area unless requested not to do so by the person authorizing the removal;

(8) Removed parts from a vehicle at other than an approved location or removed or sold parts or vehicles beyond the scope authorized by this chapter or any rule adopted hereunder;

(9) Been adjudged guilty of a crime which directly relates to the business of a hulk hauler or scrap processor and the time elapsed since the adjudication is less than five years. For the purposes of this section adjudged guilty means, in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(10) Been the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid.

[1990 c 250 § 71; 1983 c 142 § 5; 1971 ex.s. c 110 § 7.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.79.080 Rules.

Applicable Cases

The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

[1971 ex.s. c 110 § 8.]

RCW 46.79.090 Inspection of premises and records--Certificate of inspection.

Applicable Cases

It shall be the duty of the chiefs of police, or the Washington state patrol, in cities having

a population of over five thousand persons, and in all other cases the Washington state patrol, to make periodic inspection of the hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: PROVIDED, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state.

[1983 c 142 § 6; 1971 ex.s. c 110 § 9.]

RCW 46.79.100 Other provisions to comply with chapter.

Applicable Cases

Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of hulk haulers or scrap processors shall comply strictly with the provisions of this chapter.

[1971 ex.s. c 110 § 10.]

RCW 46.79.110 Chapter not to prohibit individual towing of vehicles to wreckers or processors.

Applicable Cases

Nothing contained in this chapter shall be construed to prohibit any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any *motor vehicle wrecker or scrap processor.

[1983 c 142 § 7; 1971 ex.s. c 110 § 11.]

Notes:

***Reviser's note:** "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

RCW 46.79.120 Unlicensed hulk hauling or scrap processing--Penalty.

Applicable Cases

Any hulk hauler or scrap processor who engages in the business of hulk hauling or scrap processing without holding a current license issued by the department for authorization to do so, or, holding such a license, exceeds the authority granted by that license, is guilty of a gross misdemeanor.

[1983 c 142 § 8.]

RCW 46.79.130 Wholesale motor vehicle auction dealers.

Applicable Cases

- (1) A wholesale motor vehicle auction dealer may:
 - (a) Sell any classification of motor vehicle;

(b) Sell only to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state; or

(c) Sell a motor vehicle belonging to the United States government, the state of Washington, or a political subdivision to nonlicensed persons as may be required by the contracting public agency. However, a publicly owned "wrecked vehicle" as defined in RCW 46.80.010 may be sold to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state.

(2) If the wholesale motor vehicle auction dealer knows that a vehicle is a "wrecked vehicle" as defined by RCW 46.80.010, the dealer must disclose this fact on the bill of sale.

[1998 c 282 § 4.]

Chapter 46.80 RCW VEHICLE WRECKERS

(Formerly Motor vehicle wreckers)

46.80.005	Legislative declaration.
46.80.010	Definitions.
46.80.020	License required--Penalty.
46.80.030	Application for license--Contents.
46.80.040	Issuance of license--Fee.
46.80.050	Expiration, renewal--Fee.
46.80.060	License plates--Fee--Display.
46.80.070	Bond.
46.80.080	Records--Penalty.
46.80.090	Reports to department--Evidence of ownership.
46.80.100	Cancellation of bond.
46.80.110	License penalties, civil fines, criminal penalties.
46.80.121	False or unqualified applications.
46.80.130	All storage at place of business--Screening required--Penalty.
46.80.140	Rules.
46.80.150	Inspection of licensed premises and records.
46.80.160	Municipal compliance.
46.80.170	Violations--Penalties.
46.80.180	Cease and desist orders--Fines.
46.80.190	Subpoenas.
46.80.200	Wholesale motor vehicle auction dealers.
46.80.900	Liberal construction.

Notes:

Hulk haulers and scrap processors: Chapter 46.79 RCW.

RCW 46.80.005 Legislative declaration.

Applicable Cases

The legislature finds and declares that the distribution and sale of vehicle parts in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare and in the exercise of its police power, it is necessary to regulate and license vehicle wreckers and dismantlers, the buyers-for-resale, and the sellers of second-hand vehicle components doing business in Washington, in order to prevent the sale of stolen vehicle parts, to prevent frauds, impositions, and other abuses, and to preserve the investments and properties of the citizens of this state.

[1995 c 256 § 3; 1977 ex.s. c 253 § 1.]

Notes:

Severability--1977 ex.s. c 253: "If any provision of this 1977 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby." [1977 ex.s. c 253 § 14.]

RCW 46.80.010 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

(1) "Vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or in part, or who deals in second-hand vehicle parts.

(2) "Core" means a major component part received by a vehicle wrecker in exchange for a like part sold by the wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received.

(3) "Established place of business" means a building or enclosure which the vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with zoning regulations.

(4) "Interim owner" means the owner of a vehicle who has the original certificate of ownership for the vehicle, which certificate has been released by the person named on the certificate and assigned to the person offering to sell the vehicle to the wrecker.

(5) "Major component part" includes at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; and (n) airbag. The director may supplement this list by rule.

(6) "Wrecked vehicle" means a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose

salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

[1999 c 278 § 1; 1995 c 256 § 4; 1977 ex.s. c 253 § 2; 1961 c 12 § 46.80.010. Prior: 1947 c 262 § 1; Rem. Supp. 1947 § 8326-40.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.020 License required--Penalty.

Applicable Cases

It is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license. A person or firm engaged in the unlawful activity is guilty of a gross misdemeanor. A second or subsequent offense is a class C felony.

[1995 c 256 § 5; 1979 c 158 § 192; 1977 ex.s. c 253 § 3; 1971 ex.s. c 7 § 1; 1967 c 32 § 94; 1961 c 12 § 46.80.020. Prior: 1947 c 262 § 2; Rem. Supp. 1947 § 8326-41.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.030 Application for license--Contents.

Applicable Cases

Application for a *motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of licensing, and shall be signed by the *motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant is in compliance with this chapter and the provisions of Title 46 RCW, relating to registration and certificates of title: PROVIDED, That the above certifications in any instance can be made by an authorized representative of the department of licensing;

(4) Any other information that the department may require.

[1990 c 250 § 72; 1979 c 158 § 193; 1977 ex.s. c 253 § 4; 1971 ex.s. c 7 § 2; 1967 ex.s. c 13 § 1; 1967 c 32 § 95; 1961 c 12 § 46.80.030. Prior: 1947 c 262 § 3; Rem. Supp. 1947 § 8326-42.]

Notes:

***Reviser's note:** "Motor vehicle wrecker" redesignated "vehicle wrecker" by 1995 c 256.

Severability--1990 c 250: See note following RCW 46.16.301.

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.040 Issuance of license--Fee.

Applicable Cases

The application, together with a fee of twenty-five dollars, and a surety bond as provided in RCW 46.80.070, shall be forwarded to the department. Upon receipt of the application the department shall, if the application is in order, issue a vehicle wrecker's license authorizing the wrecker to do business as such and forward the fee to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in the place of business, where it may be inspected by an investigating officer at any time.

[1995 c 256 § 6; 1971 ex.s. c 7 § 3; 1967 c 32 § 96; 1961 c 12 § 46.80.040. Prior: 1947 c 262 § 4; Rem. Supp. 1947 § 8326-43.]

RCW 46.80.050 Expiration, renewal--Fee.

Applicable Cases

A license issued on this application remains in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten dollars. A vehicle wrecker who fails or neglects to renew the license before the assigned expiration date shall pay the fee for an original vehicle wrecker license as provided in this chapter.

Whenever a vehicle wrecker ceases to do business as such or the license has been suspended or revoked, the wrecker shall immediately surrender the license to the department.

[1995 c 256 § 7; 1985 c 109 § 7; 1971 ex.s. c 7 § 4; 1967 ex.s. c 13 § 2; 1967 c 32 § 97; 1961 c 12 § 46.80.050. Prior: 1947 c 262 § 5; Rem. Supp. 1947 § 8326-44.]

RCW 46.80.060 License plates--Fee--Display.

Applicable Cases

The vehicle wrecker shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles. The special plates must be displayed on vehicles owned and/or operated by the wrecker and used in the conduct of the business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. A wrecker with more than one licensed location in the state may use special plates bearing the same license number for vehicles operated out of any of the licensed locations.

[1995 c 256 § 8; 1961 c 12 § 46.80.060. Prior: 1957 c 273 § 21; 1947 c 262 § 6; Rem. Supp. 1947 § 8326-45.]

RCW 46.80.070 Bond.

Applicable Cases

Before issuing a vehicle wrecker's license, the department shall require the applicant to file with the department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved as to form by the attorney general and conditioned upon the wrecker conducting the business in conformity with the provisions of this chapter. Any person who has suffered any loss or damage by reason of fraud, carelessness, neglect, violation of the terms of this chapter, or misrepresentation on the part of the wrecking company, may institute an action for recovery against the vehicle wrecker and surety upon the bond. However, the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

[1995 c 256 § 9; 1977 ex.s. c 253 § 5; 1971 ex.s. c 7 § 5; 1967 c 32 § 98; 1961 c 12 § 46.80.070. Prior: 1947 c 262 § 7; Rem. Supp. 1947 § 8326-46.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.080 Records--Penalty.

Applicable Cases

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor

component parts acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

[1999 c 278 § 2; 1995 c 256 § 10; 1977 ex.s. c 253 § 6; 1971 ex.s. c 7 § 6; 1967 c 32 § 99; 1961 c 12 § 46.80.080. Prior: 1947 c 262 § 8; Rem. Supp. 1947 § 8326-47.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.090 Reports to department--Evidence of ownership.

Applicable Cases

Within thirty days after acquiring a vehicle, the vehicle wrecker shall furnish a written report to the department. This report shall be in such form as the department shall prescribe and shall be accompanied by evidence of ownership as determined by the department. No vehicle wrecker may acquire a vehicle, including a vehicle from an interim owner, without first obtaining evidence of ownership as determined by the department. For a vehicle from an interim owner, the evidence of ownership may not require that a title be issued in the name of the interim owner as required by RCW 46.12.101. The vehicle wrecker shall furnish a monthly report of all acquired vehicles. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the vehicle wrecker or an authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

[1999 c 278 § 3; 1995 c 256 § 11; 1979 c 158 § 194; 1977 ex.s. c 253 § 7; 1971 ex.s. c 7 § 7; 1967 c 32 § 100; 1961 c 12 § 46.80.090. Prior: 1947 c 262 § 9; Rem. Supp. 1947 § 8326-48.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.100 Cancellation of bond.

Applicable Cases

If, after issuing a vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the department shall immediately notify the principal covered by the bond and

afford the principal the opportunity of obtaining another bond before the termination of the original. If the principal fails, neglects, or refuses to obtain a replacement, the director may cancel or suspend the vehicle wrecker's license. Notice of cancellation of the bond may be accomplished by sending a notice by first class mail using the last known address in department records for the principal covered by the bond and recording the transmittal on an affidavit of first class mail.

[1995 c 256 § 12; 1977 ex.s. c 253 § 8; 1967 c 32 § 101; 1961 c 12 § 46.80.100. Prior: 1947 c 262 § 10; Rem. Supp. 1947 § 8326-49.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.110 License penalties, civil fines, criminal penalties.

Applicable Cases

(1) The director or a designee may, pursuant to the provisions of chapter 34.05 RCW, by order deny, suspend, or revoke the license of a vehicle wrecker, or assess a civil fine of up to five hundred dollars for each violation, if the director finds that the applicant or licensee has:

(a) Acquired a vehicle or major component part other than by first obtaining title or other documentation as provided by this chapter;

(b) Willfully misrepresented the physical condition of any motor or integral part of a vehicle;

(c) Sold, had in the wrecker's possession, or disposed of a vehicle or any part thereof when he or she knows that the vehicle or part has been stolen, or appropriated without the consent of the owner;

(d) Sold, bought, received, concealed, had in the wrecker's possession, or disposed of a vehicle or part thereof having a missing, defaced, altered, or covered manufacturer's identification number, unless approved by a law enforcement officer;

(e) Committed forgery or misstated a material fact on any title, registration, or other document covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(f) Committed any dishonest act or omission that the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a vehicle or part thereof;

(g) Failed to comply with any of the provisions of this chapter or with any of the rules adopted under it, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(h) Procured a license fraudulently or dishonestly;

(i) Been convicted of a crime that directly relates to the business of a vehicle wrecker and the time elapsed since conviction is less than ten years, or suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, conviction means in addition to a final conviction in either a federal, state, or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt

regardless of whether the sentence is deferred or the penalty is suspended.

(2) In addition to actions by the department under this section, it is a gross misdemeanor to violate subsection (1) (a), (b), or (h) of this section.

[1995 c 256 § 13; 1989 c 337 § 17; 1977 ex.s. c 253 § 9; 1971 ex.s. c 7 § 8; 1967 ex.s. c 13 § 3; 1967 c 32 § 102; 1961 c 12 § 46.80.110. Prior: 1947 c 262 § 11; Rem. Supp. 1947 § 8326-50.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.121 False or unqualified applications.

Applicable Cases

If a person whose vehicle wrecker license has previously been canceled for cause by the department files an application for a license to conduct business as a vehicle wrecker, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department may refuse to issue the person a license to conduct business as a vehicle wrecker.

[1995 c 256 § 14.]

RCW 46.80.130 All storage at place of business--Screening required--Penalty.

Applicable Cases

(1) It is unlawful for a vehicle wrecker to keep a vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department.

(2) All premises containing vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department may establish specifications or standards for the fence or wall. The wall or fence shall be painted or stained a neutral shade that blends in with the surrounding premises, and the wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of the hedge shall be replaced.

(3) Violation of subsection (1) of this section is a gross misdemeanor.

[1995 c 256 § 15; 1971 ex.s. c 7 § 9; 1967 ex.s. c 13 § 4; 1967 c 32 § 103; 1965 c 117 § 1; 1961 c 12 § 46.80.130. Prior: 1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]

RCW 46.80.140 Rules.

Applicable Cases

The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

[1967 c 32 § 104; 1961 c 12 § 46.80.140. Prior: 1947 c 262 § 14; Rem. Supp. 1947 § 8326-53.]

RCW 46.80.150 Inspection of licensed premises and records.

Applicable Cases

It shall be the duty of the chiefs of police, or the Washington state patrol, in cities having a population of over five thousand persons, and in all other cases the Washington state patrol, to make periodic inspection of the vehicle wrecker's licensed premises and records provided for in this chapter during normal business hours, and furnish a certificate of inspection to the department in such manner as may be determined by the department. In any instance, an authorized representative of the department may make the inspection.

[1995 c 256 § 16; 1983 c 142 § 9; 1977 ex.s. c 253 § 10; 1971 ex.s. c 7 § 10; 1967 ex.s. c 13 § 5; 1967 c 32 § 105; 1961 c 12 § 46.80.150. Prior: 1947 c 262 § 15; Rem. Supp. 1947 § 8326-54.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.160 Municipal compliance.

Applicable Cases

Any municipality or political subdivision of this state that now has or subsequently makes provision for the regulation of vehicle wreckers shall comply strictly with the provisions of this chapter.

[1995 c 256 § 17; 1961 c 12 § 46.80.160. Prior: 1947 c 262 § 16; Rem. Supp. 1947 § 8326-55.]

RCW 46.80.170 Violations--Penalties.

Applicable Cases

Unless otherwise provided by law, it is a misdemeanor for any person to violate any of the provisions of this chapter or the rules adopted under this chapter.

[1995 c 256 § 18; 1977 ex.s. c 253 § 11.]

Notes:

Rules of Court: *Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.*

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

RCW 46.80.180 Cease and desist orders--Fines.

Applicable Cases

(1) If it appears to the director that an unlicensed person has engaged in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. The director shall give the person reasonable notice of and opportunity for a hearing. The director may issue a temporary order pending a hearing. The temporary order remains in effect until ten days after the hearing is held and becomes final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

(2) The director may assess a fine of up to one thousand dollars with the final order for each act or practice constituting a violation of this chapter by an unlicensed person.

[1995 c 256 § 19.]

RCW 46.80.190 Subpoenas.

Applicable Cases

The department of licensing or its authorized agent may examine or subpoena any persons, books, papers, records, data, vehicles, or vehicle parts bearing upon the investigation or proceeding under this chapter.

The persons subpoenaed may be required to testify and produce any books, papers, records, data, vehicles, or vehicle parts that the director deems relevant or material to the inquiry.

The director or an authorized agent may administer an oath to the person required to testify, and a person giving false testimony after the administration of the oath is guilty of perjury in the first degree.

A court of competent jurisdiction may, upon application by the director, issue to a person who fails to comply, an order to appear before the director or officer designated by the director, to produce documentary or other evidence touching the matter under investigation or in question.

[1995 c 256 § 20.]

RCW 46.80.200 Wholesale motor vehicle auction dealers.

Applicable Cases

(1) A wholesale motor vehicle auction dealer may:

(a) Sell any classification of motor vehicle;

(b) Sell only to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state; or

(c) Sell a motor vehicle belonging to the United States government, the state of Washington, or a political subdivision to nonlicensed persons as may be required by the contracting public agency. However, a publicly owned "wrecked vehicle" may be sold to motor vehicle dealers and vehicle wreckers licensed under Title 46 RCW by the state of Washington or licensed by any other state.

(2) If the wholesale motor vehicle auction dealer knows that a vehicle is a "wrecked vehicle," the dealer must disclose this fact on the bill of sale.

[1998 c 282 § 6.]

RCW 46.80.900 Liberal construction.

Applicable Cases

The provisions of this chapter shall be liberally construed to the end that traffic in stolen vehicle parts may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of wrecking vehicles or selling used vehicle parts in this state and reliable persons may be encouraged to engage in businesses of wrecking or reselling vehicle parts in this state.

[1995 c 256 § 21; 1977 ex.s. c 253 § 13.]

Notes:

Severability--1977 ex.s. c 253: See note following RCW 46.80.005.

**Chapter 46.81 RCW
TRAFFIC SAFETY EDUCATION COURSES**

(See chapter 28A.220 RCW)

**Chapter 46.81A RCW
MOTORCYCLE SKILLS EDUCATION PROGRAM**

RCW

46.81A.001	Purpose.
46.81A.010	Definitions.
46.81A.020	Powers and duties of director.
46.81A.030	Deposit of gifts.
46.81A.900	Severability--1988 c 227.

RCW 46.81A.001 Purpose.

Applicable Cases

It is the purpose of this chapter to provide the motorcycle riders of the state with an affordable motorcycle skills education program in order to promote motorcycle safety awareness.

[1988 c 227 § 1.]

RCW 46.81A.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motorcycle skills education program" means a motorcycle rider skills training program to be administered by the department.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Motorcycle" means a motorcycle licensed under chapter 46.16 RCW, and does not include motorized bicycles, mopeds, scooters, off-road motorcycles, motorized tricycles, side-car equipped motorcycles, or four-wheel all-terrain vehicles.

[1988 c 227 § 2.]

RCW 46.81A.020 Powers and duties of director.

Applicable Cases

(1) The director shall administer and enforce the law pertaining to the motorcycle skills

education program as set forth in this chapter.

(2) The director may adopt and enforce reasonable rules that are consistent with this chapter.

(3) The director shall revise the Washington motorcycle safety program to:

(a) Institute a motorcycle skills education course for both novice and advanced motorcycle riders that is a minimum of eight hours and no more than sixteen hours at a cost of no more than fifty dollars;

(b) Encourage the use of loaned or used motorcycles for use in the motorcycle skills education course if the instructor approves them;

(c) Require all instructors to conduct at least three classes in a one-year period to maintain their teaching eligibility;

(d) Encourage the use of radio or intercom equipped helmets when, in the opinion of the instructor, radio or intercom equipped helmets improve the quality of instruction.

(4) The department shall obtain and compile information from applicants for a motorcycle endorsement regarding whether they have completed a state approved motorcycle skills education course.

[1998 c 245 § 91; 1993 c 115 § 2; 1988 c 227 § 3.]

RCW 46.81A.030 Deposit of gifts.

Applicable Cases

The director may receive gifts, grants, or endowments from private sources which shall be deposited in the motorcycle safety [education] account within the highway safety fund.

[1988 c 227 § 4.]

Notes:

Motorcycle safety education account: RCW 46.68.065.

RCW 46.81A.900 Severability--1988 c 227.

Applicable Cases

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

[1988 c 227 § 8.]

Chapter 46.82 RCW DRIVER TRAINING SCHOOLS

RCW

46.82.280 Definitions.

46.82.290 Administration of chapter--Adoption of rules.

46.82.300 Driver instructors' advisory committee--Composition, travel expenses, meetings, duties.

46.82.310 School license--Insurance.

46.82.320	Instructor's license.
46.82.330	Instructor's license--Examination--Requirements for taking, exceptions.
46.82.340	Duplicate license certificates.
46.82.350	Suspension, revocation, or denial of license--Causes enumerated.
46.82.360	Suspension, revocation, or denial of license--Failure to comply with specified business practices.
46.82.370	Suspension, revocation, or denial of license--Appeal of action--Emergency suspension--Hearing, notice and procedure.
46.82.380	Appeal from action or decision of director.
46.82.390	Penalty.
46.82.400	Chapter not applicable to educational institutions.
46.82.410	Disposition of moneys collected.
46.82.420	Basic minimum required curriculum--Compilation by advisory committee--Revocation of license for failure to teach, show cause hearing upon.
46.82.430	Instructional material requirements.
46.82.900	Severability--1979 ex.s. c 51.

RCW 46.82.280 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

(2) "Director" means the director of the department of licensing of the state of Washington.

(3) "Advisory committee" means the driving instructors' advisory committee as created in this chapter.

(4) "Fraudulent practices" means any conduct or representation on the part of a licensee under this chapter tending to induce anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes.

(5) "Instructor" means any person employed by a driver training school to instruct persons in the operation of automobiles.

(6) "Place of business" means a designated location at which the business of a driver training school is transacted and its records are kept.

(7) "Person" means any individual, firm, corporation, partnership, or association.

[1986 c 80 § 1; 1979 ex.s. c 51 § 1.]

RCW 46.82.290 Administration of chapter--Adoption of rules.

Applicable Cases

(1) The director shall be responsible for the administration and enforcement of the law pertaining to driver training schools as set forth in this chapter.

(2) The director is authorized to adopt and enforce such reasonable rules as may be consistent with and necessary to carry out this chapter.

[1979 ex.s. c 51 § 2.]

RCW 46.82.300 Driver instructors' advisory committee--Composition, travel expenses, meetings, duties.

Applicable Cases

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

[1984 c 287 § 93; 1979 ex.s. c 51 § 3.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.

RCW 46.82.310 School license--Insurance.

Applicable Cases

(1) No person shall engage in the business of conducting a driver training school without a license issued by the director for that purpose. An application for a driver training school license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon payment of an additional fee of twenty-five dollars shall be granted a license valid for a period of one year from the date of issuance.

(2) The annual fee for renewal of a school license shall be twenty-five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the licensee. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be void requiring a new application as provided for in this chapter, including payment of all fees.

(3) The person to whom a driver training school license has been issued must notify the director in writing within thirty days after any change is made in the officers, directors, or location of the place of business of the school.

(4) Driver training school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license, including payment of all fees, must be made. The director shall permit continuance of the business for a period not to exceed sixty days from [the] date of transfer pending approval of the new application for a school license.

(5) The director shall not issue or renew a school license certificate until the licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in the amount of not less than three hundred thousand dollars because of bodily injury or death to two or more persons in any one accident, not less than one hundred thousand dollars because of bodily injury or death to one person in one accident, and not less than fifty thousand dollars because of property damage to others in one accident, and the coverage shall include uninsured motorists coverage. The insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance.

(6) The increased insurance requirements of subsection (5) of this section must be in effect by no later than one year after September 1, 1979.

[1979 ex.s. c 51 § 4.]

RCW 46.82.320 Instructor's license.

Applicable Cases

(1) No person, including the owner, operator, partner, officer, or stockholder of a driver training school shall give instruction in the operation of an automobile for a fee without a license issued by the director for that purpose. An application for an instructor's license shall be filed with the director, containing such information as prescribed by the director, accompanied by an application fee of twenty-five dollars which shall in no event be refunded. If the application is approved by the director and the applicant satisfactorily meets the examination requirements as prescribed in RCW 46.82.330, the applicant shall be granted a license valid for a period of one year from the date of issuance. An instructor shall take a requalification examination every five years.

(2) The annual fee for renewal of an instructor's license shall be five dollars. The director shall issue a license certificate to each licensee which shall be conspicuously displayed in the place of business of the employing driver training school. Unless revoked, canceled, or denied by the director, the license shall remain the property of the licensee in the event of termination of

employment or employment by another driver training school. If a renewal application has not been received by the director within sixty days from the date a notice of license expiration was mailed to the licensee, the license will be voided requiring a new application as provided for in this chapter, including examination and payment of all fees.

(3) Persons who qualify under the rules jointly adopted by the superintendent of public instruction and the director of licensing to teach only the laboratory phase, shall be subject to a ten dollar examination fee.

(4) Each licensee shall be provided with a wallet-size identification card by the director at the time the license is issued which shall be carried on the instructor's person at all times while engaged in instructing.

(5) The person to whom an instructor's license has been issued shall notify the director in writing within thirty days of any change of employment or termination of employment, providing the name and address of the new driver training school by whom the instructor will be employed.

[1989 c 337 § 18; 1986 c 80 § 2; 1979 ex.s. c 51 § 5.]

RCW 46.82.330 Instructor's license--Examination--Requirements for taking, exceptions.

Applicable Cases

(1) Upon receipt and approval of an application accompanied by the proper fees, the director shall arrange for the examination of each applicant for an instructor's license and shall notify each applicant of the time and place to appear for examination.

(2) The examination prepared by the advisory committee shall consist of a knowledge test and an actual driving test conducted in a vehicle provided by the applicant. The examination shall determine: The applicant's knowledge of driving laws, rules, and regulations; the applicant's ability to safely operate a motor vehicle; and the applicant's ability to impart this knowledge to others.

(3) No applicant shall be permitted by the director to take the examination for an instructor's license until it is determined that the applicant meets the following requirements:

(a) Possesses a current and valid Washington driver's license and does not have on his driving record any of the violations or penalties set forth in (3)(a) (i), (ii), or (iii) of this section. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than three moving traffic violations within the preceding twelve months or more than four moving traffic violations in the preceding twenty-four months;

(ii) No alcohol-related traffic violation within the preceding three years; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding three years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director; and

(d) Has satisfactorily completed a sixty-hour course of instruction in the training of drivers acceptable to the director. The course shall include at least twelve hours of instruction in

behind-the-wheel teaching methods and at least six hours supervised practice behind-the-wheel teaching of driving techniques.

(4) Any person with a valid instructor's license in effect as of September 1, 1979, shall not be required to take the examination, or complete the revised course of instruction, otherwise required under this section.

[1979 ex.s. c 51 § 6.]

RCW 46.82.340 Duplicate license certificates.

Applicable Cases

In case of the loss, mutilation, or destruction of a driver training school license certificate or an instructor's license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of two dollars.

[1979 ex.s. c 51 § 7.]

RCW 46.82.350 Suspension, revocation, or denial of license--Causes enumerated.

Applicable Cases

(1) The director may suspend, revoke, deny, or refuse to renew an instructor's license or a driver training school license for any of the following causes:

(a) Upon determination that the licensee has made a false statement or concealed any material fact in connection with the application or license renewal;

(b) Upon conviction of the applicant, licensee, or any person directly or indirectly interested in the driver training school's business of a felony, or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(c) Upon determination that the applicant, licensee, or any person directly or indirectly interested in the driver training school's business previously held a driver training school license which was revoked, suspended, or refused renewal by the director;

(d) Upon determination that the applicant or licensee does not have a place of business as required by this chapter;

(e) Upon determination that the applicant or licensee has failed to require all persons with financial interest in the driver training school to be signatories to the application;

(f) Upon determination that the applicant or licensee has been found guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud in relation to securing for himself, herself, or another a license to drive a motor vehicle; or

(g) Upon determination that the applicant or licensee fails to satisfy the other conditions stated in this chapter.

[1979 ex.s. c 51 § 8.]

RCW 46.82.360 Suspension, revocation, or denial of license--Failure to comply with specified business practices.

Applicable Cases

The license of any driver training school or instructor may be suspended, revoked, denied, or refused renewal for failure to comply with the business practices specified in this section.

(1) No place of business shall be established nor any business of a driver training school conducted or solicited within one thousand feet of an office or building owned or leased by the department of licensing in which examinations for drivers' licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building.

(2) Any automobile used by a driver training school or an instructor for instruction purposes must be equipped with:

(a) Dual controls for foot brake and clutch, or foot brake only in a vehicle equipped with an automatic transmission;

(b) An instructor's rear view mirror; and

(c) A sign displayed on the back or top, or both, of the vehicle not less than twenty inches in horizontal width or less than ten inches in vertical height and having the words "student driver" or "instruction car," or both, in legible, printed, English letters at least two and one-half inches in height near the top and the name of the school in similarly legible letters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and the telephone number in similarly legible letters at least one inch in height placed next below the name of the school. The lettering and background colors shall be of contrasting shades so as to be clearly readable at one hundred feet in clear daylight. The sign shall be displayed at all times when instruction is being given.

(3) Instruction may not be given by an instructor to a student in an automobile unless the student possesses a current and valid instruction permit issued pursuant to RCW 46.20.055 or a current and valid driver's license.

(4) No driver training school or instructor shall advertise or otherwise indicate that the issuance of a driver's license is guaranteed or assured as a result of the course of instruction offered.

(5) No driver training school or instructor shall utilize any types of advertising without using the full, legal name of the school and identifying itself as a driver training school. Items and services advertised must be available in a manner as might be expected by the average person reading the advertisement.

(6) A driver training school shall have an established place of business owned, rented, or leased by the school and regularly occupied and used exclusively for the business of giving driver instruction. The established place of business of a driver training school that applies for an initial license after July 23, 1989, shall be located in a district that is zoned for business or commercial purposes. The established place of business, branch office, or classroom or advertised address of any such driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, bus, telephone answering service if such service is the sole means of contacting the driver training school, a room or rooms in a hotel or rooming house or apartment house, or premises occupied by a single or multiple-unit dwelling house. To classify as a branch office or classroom the facility must be within a thirty-five mile radius of the established

place of business. Nothing in this subsection may be construed as limiting the authority of local governments to grant conditional use permits or variances from zoning ordinances.

(7) No driver training school or instructor shall conduct any type of instruction or training on a course used by the department of licensing for testing applicants for a Washington driver's license.

(8) Each driver training school shall maintain records on all of its students, including the student's name and address, the starting and ending dates of instruction, the student's instruction permit or driver's license number, the type of training given, and the total number of hours of instruction. Records of past students shall be maintained for five years following the completion of the instruction.

(9) Each driver training school shall, at its established place of business, display, in a place where it can be seen by all clients, a copy of the required minimum curriculum compiled by the driver advisory committee. Copies of the required minimum curriculum are to be provided to driver training schools and instructors by the director.

(10) Driver training schools and instructors shall submit to periodic inspections of their business practices, facilities, records, and insurance by authorized representatives of the director of the department of licensing.

[1989 c 337 § 19; 1979 ex.s. c 51 § 9.]

RCW 46.82.370 Suspension, revocation, or denial of license--Appeal of action--Emergency suspension--Hearing, notice and procedure.

Applicable Cases

Upon notification of suspension, revocation, denial, or refusal to renew a license under this chapter, a driver training school or instructor shall have the right to appeal the action being taken. An appeal may be made to the director, who shall cause a hearing to be held by the advisory committee in accordance with chapter 34.05 RCW. Filing an appeal shall stay the action pending the hearing and the director's decision. Upon conclusion of the hearing, the advisory committee shall notify the director of its findings of fact and recommended action. Within ten days of receipt of the advisory committee's findings and recommendation, the director shall issue a decision on the appeal.

(1) A license may, however, be temporarily suspended by the director without notice pending any prosecution, investigation, or hearing where such emergency action is warranted. A licensee or applicant entitled to a hearing shall be given due notice thereof.

(2) The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant in accordance with chapter 34.05 RCW shall be deemed due notice.

(3) The director or the director's authorized representative shall preside over the advisory committee during the hearing and shall have the power to subpoena witnesses, administer oaths to witnesses, take testimony of any person, and cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued by a court of record. Witnesses subpoenaed under this section and persons other than officers or employees of the department of licensing shall be entitled to the same fees and mileage as are

allowed in civil actions in courts of law.

[1979 ex.s. c 51 § 10.]

RCW 46.82.380 Appeal from action or decision of director.

Applicable Cases

Any action or decision of the director may, after a hearing is held as provided in this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the aggrieved person resides.

[1979 ex.s. c 51 § 11.]

RCW 46.82.390 Penalty.

Applicable Cases

A violation of any provision of this chapter shall be a misdemeanor.

[1979 ex.s. c 51 § 12.]

Notes:

Rules of Court: Bail in criminal traffic offense cases--Mandatory appearance--CrRLJ 3.2.

RCW 46.82.400 Chapter not applicable to educational institutions.

Applicable Cases

This chapter shall not apply to or affect in any manner courses of instruction offered in high schools, vocational-technical schools, colleges, or universities which are now or hereafter established, nor shall it be applicable to instructors in any such high schools, vocational-technical schools, colleges, or universities: PROVIDED, That such course or courses are conducted by such schools in a like manner to their other regular courses. If such course is conducted by any commercial school as herein identified on a contractual basis, such school and instructors must qualify under this chapter.

[1979 ex.s. c 51 § 13.]

RCW 46.82.410 Disposition of moneys collected.

Applicable Cases

All moneys collected from driver training school licenses and instructor licenses shall be deposited in the highway safety fund.

[1990 c 250 § 73; 1979 ex.s. c 51 § 14.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.82.420 Basic minimum required curriculum--Compilation by advisory committee--Revocation of license for failure to teach, show cause hearing upon.

Applicable Cases

The advisory committee shall compile and furnish to each qualifying applicant for an

instructor's license or a driver training school license a basic minimum required curriculum. The basic minimum required curriculum shall also include information on the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington, and current penalties for driving under the influence of drugs or alcohol. Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

[1991 c 217 § 3; 1979 ex.s. c 51 § 15.]

RCW 46.82.430 Instructional material requirements.

Applicable Cases

Instructional material used in driver training schools shall include information on the proper use of the left-hand lane by motor vehicles on multilane highways and on bicyclists' and pedestrians' rights and responsibilities and suggested riding procedures in common traffic situations.

[1998 c 165 § 6; 1986 c 93 § 5.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.
Keep right except when passing, etc.: RCW 46.61.100.

RCW 46.82.900 Severability--1979 ex.s. c 51.

Applicable Cases

If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 51 § 19.]

**Chapter 46.83 RCW
TRAFFIC SCHOOLS**

RCW

- 46.83.010 City or town and county traffic schools authorized--Procedure to establish.
- 46.83.020 County commissioners to control and supervise--Assistance of sheriff and police department.
- 46.83.030 Deposit, control of funds--Support.
- 46.83.040 Purpose of school.
- 46.83.050 Court may order attendance.
- 46.83.060 Duty of person required to attend--Penalty.

RCW 46.83.010 City or town and county traffic schools authorized--Procedure to establish.

Applicable Cases

Any city or town and the county in which it is located are authorized, as may be agreed between the respective governing bodies of the city or town and county, to establish a traffic school for the purposes and under the conditions set forth in this chapter. Such city or town and county traffic school may be effected whenever the governing body of the city or town shall pass an ordinance and the board of commissioners of the county shall pass a resolution declaring intention to organize and operate a traffic school in accordance with agreements had between them as to the financing, organization, and operation thereof.

[1961 c 12 § 46.83.010. Prior: 1959 c 182 § 1.]

RCW 46.83.020 County commissioners to control and supervise--Assistance of sheriff and police department.

Applicable Cases

A traffic school established under this chapter shall be under the control and supervision of the board of county commissioners, through such agents, assistants, or instructors as the board may designate, and shall be conducted with the assistance of the county sheriff and the police department of the city or town.

[1961 c 12 § 46.83.020. Prior: 1959 c 182 § 2.]

RCW 46.83.030 Deposit, control of funds--Support.

Applicable Cases

All funds appropriated by the city or town and county to the operation of the traffic school shall be deposited with the county treasurer and shall be administered by the board of county commissioners. The governing bodies of every city or town and county participating in the operation of traffic schools are authorized to make such appropriations by ordinance or resolution, as the case may be, as they shall determine for the establishment and operation of traffic schools, and they are further authorized to accept and expend gifts, donations, and any other money from any source, private or public, given for the purpose of said schools.

[1961 c 12 § 46.83.030. Prior: 1959 c 182 § 3.]

RCW 46.83.040 Purpose of school.

Applicable Cases

It shall be the purpose of every traffic school which may be established hereunder to instruct, educate, and inform all persons appearing for training in the proper, lawful, and safe operation of motor vehicles, including but not limited to rules of the road and the limitations of persons, vehicles, and bicycles and roads, streets, and highways under varying conditions and circumstances.

[1998 c 165 § 7; 1961 c 12 § 46.83.040. Prior: 1959 c 182 § 4.]

Notes:

Short title--1998 c 165: See note following RCW 43.59.010.

RCW 46.83.050 Court may order attendance.

Applicable Cases

Every municipal court, district court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction.

[1984 c 258 § 138; 1961 c 12 § 46.83.050. Prior: 1959 c 182 § 5.]

Notes:

Court Improvement Act of 1984--Effective dates--Severability--Short title--1984 c 258: See notes following RCW 3.30.010.

Application--1984 c 258 §§ 101-139: See note following RCW 3.50.005.

RCW 46.83.060 Duty of person required to attend--Penalty.

Applicable Cases

Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, is a traffic infraction.

[1979 ex.s. c 136 § 98; 1961 c 12 § 46.83.060. Prior: 1959 c 182 § 6.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

**Chapter 46.85 RCW
RECIPROCAL OR PROPORTIONAL REGISTRATION OF VEHICLES**

RCW

46.85.010	Declaration of policy.
46.85.020	Definitions.
46.85.030	Departmental entry into multistate proportional registration agreement, International Registration Plan.
46.85.040	Authority for reciprocity agreements--Provisions--Reciprocity standards.
46.85.050	Base state registration reciprocity.
46.85.060	Declarations of extent of reciprocity, when--Exemptions, benefits, and privileges--Rules.
46.85.070	Extension of reciprocal privileges to lessees authorized.
46.85.080	Automatic reciprocity, when.
46.85.090	Suspension of reciprocity benefits.
46.85.100	Agreements to be written, filed, and available for distribution.
46.85.110	Reciprocity agreements in effect at time of act.
46.85.900	Chapter part of and supplemental to motor vehicle registration law.

46.85.910	Constitutionality.
46.85.920	Repeal and saving.
46.85.930	Effective date--1963 c 106.
46.85.940	Section captions not a part of the law.

RCW 46.85.010 Declaration of policy.

Applicable Cases

It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories, and countries with respect to vehicles registered in this and such other states, provinces, territories, and countries thus contributing to the economic and social development and growth of this state.

[1987 c 244 § 8; 1963 c 106 § 1.]

RCW 46.85.020 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(2) "Owner" means a person, business firm, or corporation who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(3) "Properly registered," as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

[1987 c 244 § 9; 1985 c 173 § 2; 1982 c 227 § 18; 1981 c 222 § 1; 1963 c 106 § 2.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.030 Departmental entry into multistate proportional registration agreement, International Registration Plan.

Applicable Cases

The department of licensing shall have the authority to execute agreements, arrangements, or declarations to carry out the provisions of chapter 46.87 RCW and this chapter.

If the department enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the department may collect and forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the department enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.87 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules taking exception to or accomplishing the procedures prescribed in such agreement.

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the department to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan.

[1987 c 244 § 10; 1982 c 227 § 19; 1981 c 222 § 2; 1977 ex.s. c 92 § 1; 1975-'76 2nd ex.s. c 34 § 137; 1967 c 32 § 113; 1963 c 106 § 3.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

Effective date--1982 c 227: See note following RCW 19.09.100.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 46.85.040 Authority for reciprocity agreements--Provisions--Reciprocity standards.

Applicable Cases

The department may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such

jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

[1985 c 173 § 3; 1982 c 227 § 20; 1963 c 106 § 4.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.050 Base state registration reciprocity.

Applicable Cases

An agreement or arrangement entered into, or a declaration issued under the authority of chapter 46.87 RCW or this chapter may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this state; and in such event the exemptions, benefits, and privileges extended by such agreement, arrangement, or declaration shall apply to such vehicles, when properly licensed or registered in such base jurisdiction.

[1987 c 244 § 11; 1963 c 106 § 5.]

RCW 46.85.060 Declarations of extent of reciprocity, when--Exemptions, benefits, and privileges--Rules.

Applicable Cases

In the absence of an agreement or arrangement with another jurisdiction, the department may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. Declarations of exemptions, benefits, and privileges issued by the department shall include at least the following exemptions:

(1) Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed six months in any continuous twelve-month period.

(2) Nonresident persons employed in this state may operate vehicles not to exceed twelve thousand pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state for a period greater than six months in any continuous twelve-month period.

(3) A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of twelve thousand pounds, which is properly base licensed in another

jurisdiction and registered to a bona fide business in that jurisdiction is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

(4) The department of licensing, after consultation with the department of revenue, shall adopt such rules as it deems necessary for the administration of these exemptions, benefits, and privileges.

[1987 c 142 § 4; 1985 c 353 § 3; 1982 c 227 § 21; 1963 c 106 § 6.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.070 Extension of reciprocal privileges to lessees authorized.

Applicable Cases

An agreement, or arrangement entered into, or a declaration issued under the authority of this chapter, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

[1963 c 106 § 7.]

RCW 46.85.080 Automatic reciprocity, when.

Applicable Cases

On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this chapter, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state. Reciprocity extended under this section shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

[1963 c 106 § 8.]

RCW 46.85.090 Suspension of reciprocity benefits.

Applicable Cases

Agreements, arrangements or declarations made under the authority of this chapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits, or privileges granted thereunder to an owner who violates any of the conditions or terms of such agreements, arrangements, or declarations or who violates the laws of this state relating to motor vehicles or rules and regulations lawfully promulgated thereunder.

[1987 c 244 § 12; 1963 c 106 § 9.]

RCW 46.85.100 Agreements to be written, filed, and available for distribution.

Applicable Cases

All agreements, arrangements, or declarations or amendments thereto shall be in writing

and shall be filed with the department. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030, chapter 46.87 RCW, or this chapter to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

[1987 c 244 § 13; 1982 c 227 § 22; 1967 c 32 § 114; 1963 c 106 § 10.]

Notes:

Effective date--1982 c 227: See note following RCW 19.09.100.

RCW 46.85.110 Reciprocity agreements in effect at time of act.

Applicable Cases

All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this chapter becomes effective shall continue in force and effect at the time this chapter becomes effective and until specifically amended or revoked as provided by law or by such agreements or arrangements.

[1963 c 106 § 11.]

Notes:

Effective date--1963 c 106: See RCW 46.85.930.

RCW 46.85.900 Chapter part of and supplemental to motor vehicle registration law.

Applicable Cases

This chapter shall be, and construed as, a part of and supplemental to the motor vehicle registration law of this state.

[1963 c 106 § 30.]

RCW 46.85.910 Constitutionality.

Applicable Cases

If any phrase, clause, subsection or section of this chapter shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this chapter without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the chapter shall not be affected as a result of said part being held unconstitutional or invalid.

[1963 c 106 § 31.]

RCW 46.85.920 Repeal and saving.

Applicable Cases

The following acts or parts of acts and RCW sections are hereby repealed:

(1) Sections 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100, chapter 12, Laws of 1961 and RCW 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100;

(2) Section 46.84.020, chapter 12, Laws of 1961 as amended by section 37, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.020;

(3) Sections 1, 2, 3, and 4, chapter 266, Laws of 1961 and RCW 46.84.110, 46.84.120, 46.84.130 and 46.84.140; and

(4) Sections 38, 39, and 40, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.150, 46.84.160 and 46.84.170.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

[1963 c 106 § 32.]

RCW 46.85.930 Effective date--1963 c 106.

Applicable Cases

This chapter shall take effect and be in force on and after July 1, 1963.

[1963 c 106 § 33.]

RCW 46.85.940 Section captions not a part of the law.

Applicable Cases

Section captions as used in this chapter shall not constitute any part of the law.

[1963 c 106 § 34.]

**Chapter 46.87 RCW
PROPORTIONAL REGISTRATION**

(Formerly International Registration Plan)

RCW

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RCW 46.87.010 Applicability--Implementation.

Applicable Cases

This chapter applies to proportional registration and reciprocity granted under the provisions of the International Registration Plan (IRP) and the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact). This chapter shall become effective and be implemented beginning with the 1988 registration year; however, if Washington is not then registering vehicles under the provisions of the IRP, the effective date and implementation date for the IRP shall both be delayed until such time as Washington begins registering vehicles under the provisions of the IRP.

(1) Provisions and terms of the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in chapter 46.04 RCW, this chapter, or in rules adopted under the authority of this chapter.

(2) The director may adopt and enforce rules deemed necessary to implement and administer this chapter.

(3) Beginning with the first registration year in which the state of Washington begins

registering fleets under provisions of the IRP, owners having a fleet of apportionable vehicles operating in two or more IRP member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of the IRP and this chapter in lieu of full or temporary registration as provided for in chapters 46.16 or 46.88 RCW.

(4) Owners having a fleet of commercial vehicles operating and registered in at least one Western Compact member jurisdiction other than Washington may elect to proportionally register the vehicles of the fleet under provisions of the Western Compact and this chapter in lieu of full or temporary registration as provided for in chapter 46.16 or 46.88 RCW.

(5) If a due date or an expiration date established under authority of this chapter falls on a Saturday, Sunday, or a state legal holiday, such period is automatically extended through the end of the next business day.

[1987 c 244 § 15; 1986 c 18 § 22; 1985 c 380 § 1.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.020 Definitions.

Applicable Cases

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles. For IRP jurisdictions that require the registration of nonmotor vehicles, this term may include trailers, semitrailers, and pole trailers as applicable, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, pole trailer, or semitrailer used in combination when the gross weight or declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, or any combination of such vehicles with an actual or declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial vehicles" for the purpose of proportional registration. The nonmotor vehicles mentioned are only applicable to those jurisdictions requiring the registration of such vehicles.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, and buses. Trailers, pole trailers, and semitrailers, will also be considered as commercial vehicles for those jurisdictions who require registration of such vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(6) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(7) "Department" means the department of licensing.

(8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

(11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal

arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately before July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from that place of business, and the vehicle has been assigned to that place of business; or

(b) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by that jurisdiction.

In case of doubt or dispute as to the proper place of registration of a commercial vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorated fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

[1997 c 183 § 2; 1994 c 262 § 12; 1993 c 307 § 12; 1991 c 163 § 4; 1990 c 42 § 111; 1987 c 244 § 16; 1985 c 380 § 2.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.022 Rental trailers, converter gears.

Applicable Cases

Owners of rental trailers and semitrailers over six thousand pounds gross vehicle weight, and converter gears used solely in pool fleets shall fully register a portion of the pool fleet in this state. To determine the percentage of total fleet vehicles that must be registered in this state, divide the gross revenue received in the preceding year for the use of the rental vehicles arising from rental transactions occurring in this state by the total revenue received in the preceding year for the use of the rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. Apply the resulting percentage to the total number of vehicles that shall be registered in this state. Vehicles registered in this state shall be representative of the vehicles in the fleet according to age, size, and value.

[1990 c 250 § 74.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

RCW 46.87.023 Rental car businesses.

Applicable Cases

(1) Rental car businesses must register with the department of licensing. This registration must be renewed annually by the rental car business.

(2) Rental cars must be titled and registered under the provisions of chapters 46.12 and 46.16 RCW. The vehicle must be identified at the time of application with the rental car company business number issued by the department.

(3) Use of rental cars is restricted to the rental customer unless otherwise provided by rule.

(4) The department may suspend or cancel the exemptions, benefits, or privileges granted under this section to a rental car business that violates the laws of this state relating to the operation or registration of vehicles or rules lawfully adopted thereunder. The department may initiate and conduct audits, investigations, and enforcement actions as may be reasonably necessary for administering this section.

(5) The department shall adopt such rules as may be necessary to administer and enforce the provisions of this section.

[1994 c 227 § 2; 1992 c 194 § 7.]

Notes:

Effective dates--1992 c 194: See note following RCW 46.04.466.

RCW 46.87.025 Vehicles titled in owner's name.

Applicable Cases

All vehicles being added to an existing Washington-based fleet or those vehicles that make up a new Washington-based fleet shall be titled in the name of the owner at time of registration, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration.

[1990 c 250 § 75; 1987 c 244 § 17.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.030 Part-year registration--Credit for unused fees.

Applicable Cases

(1) When application to register an apportionable or commercial vehicle is made, the Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. If a vehicle is being added to a currently registered fleet, the prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

(2) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the licensing fee paid under RCW 46.16.070 with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the licensing fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such registration year or for additional licensing fees due under RCW 46.16.070 or to be due upon audit under RCW 46.87.310. If any credit is less than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the licensing fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

[1997 c 183 § 3; 1993 c 307 § 13; 1987 c 244 § 18; 1986 c 18 § 23; 1985 c 380 § 3.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.040 Purchase of additional gross weight.

Applicable Cases

Additional gross weight may be purchased for proportionally registered motor vehicles to the limits authorized under chapter 46.44 RCW. Reregistration at the higher gross weight (maximum gross weights under this chapter are fifty-four thousand pounds for a solo three-axle

truck or one hundred five thousand five hundred pounds for a combination) for the balance of the registration year, including the full registration month in which the vehicle is initially licensed at the higher gross weight. The apportionable or proportional fee initially paid to the state of Washington, reduced for the number of full registration months the license was in effect, will be deducted from the total fee to be paid to this state for licensing at the higher gross weight for the balance of the registration year. No credit or refund will be given for a reduction of gross weight.

[1994 c 262 § 13; 1987 c 244 § 19; 1985 c 380 § 4.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.050 Deposit of fees.

Applicable Cases

Each day the department shall forward to the state treasurer the fees collected under this chapter, and within ten days of the end of each registration quarter, a detailed report identifying the amount to be deposited to each account for which fees are required for the licensing of proportionally registered vehicles. Such fees shall be deposited pursuant to RCW 46.68.035, 82.44.110, and 82.44.170.

[1987 c 244 § 20; 1985 c 380 § 5.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.060 Apportionment of fees, formula.

Applicable Cases

The apportionment of fees to IRP member jurisdictions shall be in accordance with the provisions of the IRP agreement based on the apportionable fee multiplied by the prorate percentage for each jurisdiction in which the fleet will be registered or is currently registered.

[1987 c 244 § 21; 1985 c 380 § 6.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.070 Registration of trailers, semitrailers, pole trailers.

Applicable Cases

(1) Washington-based trailers, semitrailers, or pole trailers shall be licensed in this state under the provisions of chapter 46.16 RCW except as herein provided. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable or commercial vehicles for the purpose of registration in those jurisdictions and this state. This provision does not apply to trailers, semitrailers, or pole trailers which have been issued permanent plates.

(2) Trailers, semitrailers, and pole trailers which are properly based in jurisdictions other than Washington, and which display currently registered license plates from such jurisdictions

will be granted vehicle license reciprocity in this state without the need of further vehicle license registration. If pole trailers are not required to be licensed separately by a member jurisdiction, such vehicles may be operated in this state without displaying a current base license plate.

[1993 c 123 § 1. Prior: 1991 c 339 § 9; 1991 c 163 § 5; 1990 c 42 § 112; 1987 c 244 § 22; 1985 c 380 § 7.]

Notes:

Effective date of 1993 c 102 and c 123--1993 sp.s. c 23: See note following RCW 46.16.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.080 Cab cards, validation tabs, special license plates--Design, procedures--Issuance, refusal, revocation.

Applicable Cases

(1) Upon making satisfactory application and payment of applicable fees and taxes for proportional registration under this chapter, the department shall issue a cab card and validation tab for each vehicle, and to vehicles of Washington-based fleets, two distinctive apportionable license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

(2) The cab card serves as the certificate of registration for a proportionally registered vehicle. The face of the cab card shall contain the name and address of the registrant as contained in the records of the department, the license plate number assigned to the vehicle by the base jurisdiction, the vehicle identification number, and such other description of the vehicle and data as the department may require. The cab card shall be signed by the registrant, or a designated person if the registrant is a business firm, and shall at all times be carried in or on the vehicle to which it was issued. In the case of nonpowered vehicles, the cab card may be carried in or on the vehicle supplying the motive power instead of in or on the nonpowered vehicle.

(3) The apportioned license plates are not transferrable from vehicle to vehicle unless otherwise determined by rule and shall be used only on the vehicle to which they are assigned by the department for as long as they are legible or until such time as the department requires them to be removed and returned to the department.

(4) Distinctive validation tab(s) of a design, size, and color determined by the department shall be affixed to the apportioned license plate(s) as prescribed by the department to indicate the month, if necessary, and year for which the vehicle is registered. Foreign-based vehicles proportionally registered in this state under the provisions of the Western Compact shall display the validation tab on a backing plate or as otherwise prescribed by the department.

(5) Renewals shall be effected by the issuance and display of such tab(s) after making satisfactory application and payment of applicable fees and taxes.

(6) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation. However, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle may be operated in interstate or intrastate commerce in this state unless the owner has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless the vehicle is being operated in conformity with that authority.

(7) The department may issue temporary authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be deposited in the highway safety fund. The department may adopt rules for use and issuance of the permits.

(8) The department may refuse to issue any license or permit authorized by subsection (1) or (7) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, or 82.38 RCW that has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 46.87, 82.36, 82.38, or 82.44 RCW.

(9) The department may revoke the license or permit authorized by subsection (1) or (7) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (8) of this section.

(10) Before such refusal or revocation under subsection (8) or (9) of this section, the department shall grant the applicant a hearing and at least ten days written notice of the time and place of the hearing.

[1998 c 115 § 1; 1993 c 307 § 14; 1987 c 244 § 23; 1985 c 380 § 8.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.085 Staggered renewal periods.

Applicable Cases

The department may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. The extension or diminishment of a vehicle license registration period must be by rule of the department. The rule shall provide for the collection of proportionally increased or decreased vehicle license registration fees and of excise or other taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

[1993 c 307 § 17.]

RCW 46.87.090 Apportioned vehicle license plates, cab card, validation tabs--Replacement--Fees.

Applicable Cases

(1) To replace an apportioned vehicle license plate(s), cab card, or validation tab(s) due to loss, defacement, or destruction, the registrant shall apply to the department on forms furnished for that purpose. The application, together with proper payment and other documentation as indicated, shall be filed with the department as follows:

(a) Apportioned plate(s) - a fee of ten dollars shall be charged for vehicles required to display two apportioned plates or five dollars for vehicles required to display one apportioned plate. The cab card of the vehicle for which a plate is requested shall accompany the application. The department shall issue a new apportioned plate(s) with validation tab(s) and a new cab card upon acceptance of the completed application form, old cab card, and the required replacement fee.

(b) Cab card - a fee of two dollars shall be charged for each card. If this is a duplicate cab card, it will be noted thereon.

(c) Validation year tab(s) - a fee of two dollars shall be charged for each vehicle.

(2) All fees collected under this section shall be deposited to the motor vehicle fund.

[1994 c 262 § 14; 1987 c 244 § 24; 1986 c 18 § 24; 1985 c 380 § 9.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.120 Mileage data for applications--Nonmotor vehicles.

Applicable Cases

(1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness. The department shall require a minimum estimated mileage of one trip state-line-to-state-line in each jurisdiction the carrier registers for operations.

(2) Fleets will consist of either motor vehicles or nonmotor vehicles, but not a mixture of both.

(3) In instances where the use of mileage accumulated by a nonmotor vehicle fleet is impractical, for the purpose of calculating prorate percentages, the registrant may request another

method and/or unit of measure to be used in determining the prorated percentages. Upon receiving such request, the department may prescribe another method and/or unit of measure to be used in lieu of mileage that will ensure each jurisdiction that requires the registration of nonmotor vehicles its fair share of vehicle licensing fees and taxes.

(4) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

[1997 c 183 § 4; 1990 c 42 § 113; 1987 c 244 § 25.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.130 Vehicle transaction fee.

Applicable Cases

In addition to all other fees prescribed for the proportional registration of vehicles under this chapter, the department shall collect a vehicle transaction fee each time a vehicle is added to a Washington-based fleet, and each time the proportional registration of a Washington-based vehicle is renewed. The transaction fee is also applicable to all foreign-based vehicles for which this state calculates and assesses fees/taxes for the state of Washington. The exact amount of the vehicle transaction fee shall be fixed by rule but shall not exceed ten dollars. This fee shall be deposited in the motor vehicle fund.

[1987 c 244 § 26.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.140 Application--Filing, contents--Fees and taxes--Assessments, due date.

Applicable Cases

(1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The nonmotor vehicles of Washington-based fleets which are operated in IRP jurisdictions that require registration of such vehicles may be proportionally registered for operation in those jurisdictions as herein provided. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. Motor vehicles and nonpower units shall be placed in separate fleets.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Washington-based nonmotor vehicles shall normally be fully licensed under the provisions of chapter 46.16 RCW. If these vehicles are being operated in jurisdictions that require the registration of such vehicles, the applicable vehicles may be considered as apportionable vehicles for the purpose of registration in those jurisdictions and this state. The prorate percentage for which registration fees and taxes were paid to such jurisdictions may be credited toward the one hundred percent of registration fees and taxes due this state for full licensing. Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable. If, during the registration period, the lessor of an apportioned vehicle changes and the vehicle remains in the fleet of the registrant, the department shall only charge those fees prescribed for the issuance of new apportioned license plates, validation tabs, and cab card.

(c) Multiply the total, proratable fees or taxes for each motor vehicle by the prorate percentage applicable to the desired jurisdiction and round the results to the nearest cent. Fees and taxes for nonmotor vehicles being prorated will be calculated as indicated in (b) of this subsection.

(d) Add the total fees and taxes determined in (c) of this subsection for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) Add the total fees and taxes determined in (d) of this subsection for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in (d) of this subsection, calculated for each member

jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

[1997 c 183 § 5; 1991 c 339 § 10; 1990 c 42 § 114; 1987 c 244 § 27.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.150 Overpayment, underpayment--Refund, additional charge.

Applicable Cases

Whenever a person has been required to pay a fee or tax pursuant to this chapter that amounts to an overpayment of ten dollars or more, the person is entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Nothing in this subsection precludes anyone from applying for a refund of such overpayment if the overpayment is less than ten dollars. Conversely, if the department or its agents has failed to charge and collect the full amount of fees or taxes pursuant to this chapter, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the fees and taxes due.

[1996 c 91 § 1; 1987 c 244 § 28.]

Notes:

Effective date--1996 c 91: "This act takes effect July 1, 1996." [1996 c 91 § 5.]

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.170 Recalculation of prorated percentage--Additional fees and taxes.

Applicable Cases

If the department determines that a Washington-based carrier has proportionally registered a fleet in this state under provisions of the Western Compact and this chapter and has not fully or proportionally registered the fleet in another member jurisdiction(s) after indicating their intent to do so in their application to this state, the mileage traveled in such jurisdiction(s) shall be added to the Washington in-jurisdiction miles. The department shall then recalculate the carrier's Washington prorated percentage and shall assess and bill the registrant for the additional fees and taxes due the state of Washington.

[1987 c 244 § 30.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.180 Conditions on fleet vehicles.

Applicable Cases

The privileges and benefits of proportional registration of fleet vehicles extended by this chapter, or by any contract, agreement, arrangement, or declaration made under the authority of chapter 46.85 RCW or this chapter are subject to the conditions that:

(1) Each vehicle of the fleet proportionally registered under the authority of this chapter is also fully or proportionally registered in at least one other jurisdiction during the period for which it is proportionally registered in this state; and

(2) A fleet consists of the same vehicles in each jurisdiction in which the fleet is proportionally registered.

[1987 c 244 § 31.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.190 Suspension or cancellation of benefits.

Applicable Cases

The department may suspend or cancel the exemptions, benefits, or privileges granted under chapter 46.85 RCW or this chapter to any person or business firm who violates any of the conditions or terms of the IRP, Western Compact, or declarations, or who violates the laws of this state relating to the operation or registration of vehicles or rules lawfully adopted thereunder.

[1987 c 244 § 32.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.200 Refusal of registration--Federal heavy vehicle use tax.

Applicable Cases

The department may refuse registration of a vehicle if the applicant has failed to furnish proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the internal revenue code of 1954 has been suspended or paid. The department may adopt rules as deemed necessary to administer this section.

[1987 c 244 § 33.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.210 Refusal of application from nonreciprocal jurisdiction.

Applicable Cases

The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department finds that the other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by

residents of this state.

[1987 c 244 § 34.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.220 Gross weight computation.

Applicable Cases

The gross weight in the case of a motor truck, tractor, or truck tractor is the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed by it, to which shall be added the weight of the maximum load to be carried on it or towed by it as set forth by the licensee in the application providing it does not exceed the weight limitations prescribed by chapter 46.44 RCW.

The gross weight in the case of a bus, auto stage, or for hire vehicle, except a taxicab, with a seating capacity over six, is the scale weight of the bus, auto stage, or for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

A motor vehicle or combination of vehicles found to be loaded beyond the licensed gross weight of the motor vehicle registered under this chapter shall be cited and handled under RCW 46.16.140 and 46.16.145.

[1987 c 244 § 35.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.230 Responsibility for unlawful acts or omissions.

Applicable Cases

Whenever an act or omission is declared to be unlawful under chapter 46.12, 46.16, or 46.44 RCW or this chapter, and if the operator of the vehicle is not the owner or lessee of the vehicle but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and the owner or lessee are both subject to this chapter, with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or the lessee of the vehicle, that person is fully authorized to accept the citation or notice of infraction and execute the promise to appear on behalf of the owner or lessee.

[1987 c 244 § 36.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.240 Relationship of department with other jurisdictions.

Applicable Cases

Under the provisions of the IRP, the department may act in a quasi-agency relationship with other jurisdictions. The department may collect and forward applicable registration fees and taxes and applications to other jurisdictions on behalf of the applicant or another jurisdiction and may take other action that facilitates the administration of the plan.

[1987 c 244 § 37.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.250 Authority of chapter.

Applicable Cases

This chapter constitutes complete authority for the registration of fleet vehicles upon a proportional registration basis without reference to or application of any other statutes of this state except as expressly provided in this chapter.

[1987 c 244 § 38.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.260 Alteration or forgery of cab card or letter of authority--Penalty.

Applicable Cases

Any person who alters or forges or causes to be altered or forged any cab card, letter of authority, or other temporary authority issued by the department under this chapter or holds or uses a cab card, letter of authority, or other temporary authority, knowing the document to have been altered or forged, is guilty of a felony.

[1987 c 244 § 39.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.270 Gross weight on vehicle.

Applicable Cases

Every Washington-based motor vehicle registered under this chapter shall have the maximum gross weight or maximum combined gross weight for which the vehicle is licensed in this state, painted or stenciled in letters or numbers of contrasting color not less than two inches in height in a conspicuous place on the right and left sides of the vehicle. It is unlawful for the owner or operator of any motor vehicle to display a maximum gross weight or maximum combined gross weight other than that shown on the current cab card of the vehicle.

[1990 c 250 § 77; 1987 c 244 § 40.]

Notes:

Severability--1990 c 250: See note following RCW 46.16.301.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.280 Effect of other registration.

Applicable Cases

Nothing contained in this chapter relating to proportional registration of fleet vehicles requires any vehicle to be proportionally registered if it is otherwise registered for operation on the highways of this state.

[1987 c 244 § 41.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.290 Refusal, cancellation of application, cab card--Procedures, penalties.

Applicable Cases

If the department determines at any time that an applicant for proportional registration of a vehicle or a fleet of vehicles is not entitled to a cab card for a vehicle or fleet of vehicles, the department may refuse to issue the cab card(s) or to license the vehicle or fleet of vehicles and may for like reason, after notice, and in the exercise of discretion, cancel the cab card(s) and license plate(s) already issued. The department shall send the notice of cancellation by first class mail, addressed to the owner of the vehicle in question at the owner's address as it appears in the proportional registration records of the department, and record the transmittal on an affidavit of first class mail. It is then unlawful for any person to remove, drive, or operate the vehicle(s) until a proper certificate(s) of registration or cab card(s) has been issued. Any person removing, driving, or operating the vehicle(s) after the refusal of the department to issue a cab card(s), certificate(s) of registration, license plate(s), or the revocation or cancellation of the cab card(s), certificate(s) of registration, or license plate(s) is guilty of a gross misdemeanor. At the discretion of the department, a vehicle that has been moved, driven, or operated in violation of this section may be impounded by the Washington state patrol, county sheriff, or city police in a manner directed for such cases by the chief of the Washington state patrol until proper registration and license plate have been issued.

[1997 c 183 § 6; 1987 c 244 § 42.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.300 Appeal of suspension, revocation, cancellation, refusal.

Applicable Cases

The suspension, revocation, cancellation, or refusal by the director, or the director's designee, of a license plate(s), certificate(s) of registration, or cab card(s) provided for in this chapter is conclusive unless the person whose license plate(s), certificate(s) of registration, or cab card(s) is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at the person's option if a resident of Washington, to the superior court of his or her county of residence, for the purpose of having the suspension, revocation, cancellation, or refusal

of the license plate(s), certificate(s) of registration, or cab card(s) set aside. Notice of appeal shall be filed within ten calendar days after service of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the appeal, the court shall issue an order to the director to show cause why the license(s) should not be granted or reinstated. The director shall respond to the order within ten days after the date of service of the order upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters related to the suspension, revocation, cancellation, or refusal of the license plate(s), certificate(s) of registration, or cab card(s) and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

[1987 c 244 § 43.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.310 Application records--Preservation, contents, audit--Additional assessments, penalties, refunds.

Applicable Cases

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of proportional registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready-for-the-road condition; weight certificates indicating the unladen, ready-for-the-road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip that provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make the records available to the department at its designated office for audit as to accuracy of records, computations, and payments. The department shall assess and collect any unpaid fees and taxes found to be due the state and provide credits or refunds for overpayments of Washington fees and taxes as determined in accordance with formulas and other requirements prescribed in this chapter. If the owner fails to maintain complete records as required by this section, the department shall attempt to reconstruct or reestablish such records. However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the Washington proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have

registered more vehicles in this state under this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit or assessment made under this chapter has been satisfied.

The department may audit the records of any owner and may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any fees, taxes, penalties, or interest found to be due and owing the state upon audit shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount should have been paid until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under RCW 46.87.140, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of ten dollars has been made, the department shall certify the overpayment to the state treasurer who shall issue a warrant for the overpayment to the vehicle operator. Overpayments shall bear interest at the rate of eight percent per annum from the date on which the overpayment is incurred until the date of payment.

[1996 c 91 § 2; 1993 c 307 § 15; 1987 c 244 § 44.]

Notes:

Effective date--1996 c 91: See note following RCW 46.87.150.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.320 Departmental audits, investigations--Subpoenas.

Applicable Cases

The department may initiate and conduct audits and investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it.

For the purpose of any audit, investigation, or proceeding under this chapter the director or any designee of the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, paper, correspondence, memoranda, agreements, or other documents or records that the department deems relevant or material to the inquiry.

In case of contumacy or refusal to obey a subpoena issued to any person, any court of competent jurisdiction upon application by the department, may issue an order requiring that person to appear before the director or the officer designated by the director to produce testimony or other evidence touching the matter under audit, investigation, or in question. Failure to obey an order of the court may be punishable by contempt.

[1987 c 244 § 45.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.330 Assessments--When due, penalties--Reassessment--Petition, notice,

service--Injunctions, writs of mandate restricted.

Applicable Cases

An owner of proportionally registered vehicles against whom an assessment is made under RCW 46.87.310 may petition for reassessment thereof within thirty days after service of notice of the assessment upon the owner of the proportionally registered vehicles. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that time period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in the petition, shall grant the petitioner an oral hearing and give the petitioner ten days notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service upon the petitioner of notice of the decision.

Every assessment made under RCW 46.87.310 becomes due and payable at the time it is served on the owner. If the assessment is not paid in full when it becomes final, the department shall add a penalty of ten percent of the amount of the assessment.

Any notice of assessment, reassessment, oral hearing, or decision required by this section shall be served personally or by mail. If served by mail, service is deemed to have been accomplished on the date the notice was deposited in the United States mail, postage prepaid, addressed to the owner of the proportionally registered vehicles at the owner's address as it appears in the proportional registration records of the department.

No injunction or writ of mandate or other legal or equitable process may be issued in any suit, action, or proceeding in any court against any officer of the state to prevent or enjoin the collection under this chapter of any fee or tax or any amount of fee or tax required to be collected, except as specifically provided for in chapter 34.05 RCW.

[1996 c 91 § 3; 1987 c 244 § 46.]

Notes:

Effective date--1996 c 91: See note following RCW 46.87.150.

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.335 Mitigation of assessments.

Applicable Cases

Except in the case of violations of filing a false or fraudulent application, if the department deems mitigation of penalties, fees, and interest to be reasonable and in the best interests of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

[1994 c 262 § 15; 1991 c 339 § 5.]

RCW 46.87.340 Assessments--Lien for nonpayment.

Applicable Cases

If an owner of proportionally registered vehicles liable for the remittance of fees and taxes imposed by this chapter fails to pay the fees and taxes, the amount thereof, including any interest, penalty, or addition to the fees and taxes together with any additional costs that may accrue, constitutes a lien in favor of the state upon all franchises, property, and rights to property, whether the property is employed by the person for personal or business use or is in the hands of a trustee, receiver, or assignee for the benefit of creditors, from the date the fees and taxes were due and payable until the amount of the lien is paid or the property is sold to pay the lien. The lien has priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that the lien is not valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached before the time the department has filed and recorded notice of the lien as provided in this chapter.

In order to avail itself of the lien created by this section, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent fees and taxes, penalties, and interest claimed by the department. From the time of filing for record, the amount required to be paid constitutes a lien upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state is of no effect, however, until the lien or a copy of it has been filed with the county auditor in the county where the property is located. When a lien is filed in compliance with this section and with the secretary of state, the filing has the same effect as if the lien had been duly filed for record in the office of each county auditor of this state.

[1993 c 307 § 16; 1987 c 244 § 47.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.350 Delinquent obligations--Notice--Restriction on credits or property--Default judgments--Lien.

Applicable Cases

If an owner of proportionally registered vehicles for which an assessment has become final is delinquent in the payment of an obligation imposed under this chapter, the department may give notice of the amount of the delinquency by registered or certified mail to all persons having in their possession or under their control any credits or other personal property belonging to the vehicle owner or owing any debts to the owner, at the time of the receipt by them of the notice. Thereafter, a person so notified shall neither transfer nor make other disposition of those credits, personal property, or debts until the department consents to a transfer or other disposition. A person so notified shall, within twenty days after receipt of the notice, advise the department of any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be, and shall forthwith deliver such credits, personal property, or debts to the department or its duly authorized representative to be applied to the indebtedness involved.

If a person fails to answer the notice within the time prescribed by this section, it is lawful for the court upon application of the department and after the time to answer the notice has expired, to render judgment by default against the person for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

Upon service, the notice and order to withhold and deliver constitutes a continuing lien on property of the taxpayer. The department shall include in the caption of the notice to withhold and deliver "continuing lien." The effective date of a notice to withhold and deliver served under this section is the date of service of the notice.

[1994 c 262 § 16; 1987 c 244 § 48.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.360 Delinquent obligations--Collection by department--Seizure of property, notice, sale.

Applicable Cases

Whenever the owner of proportionally registered vehicles is delinquent in the payment of an obligation imposed under this chapter, and the delinquency continues after notice and demand for payment by the department, the department may proceed to collect the amount due from the owner in the following manner: The department shall seize any property subject to the lien of the fees, taxes, penalties, and interest and sell it at public auction to pay the obligation and any and all costs that may have been incurred because of the seizure and sale. Notice of the intended sale and its time and place shall be given to the delinquent owner and to all persons appearing of record to have an interest in the property. The notice shall be given in writing at least ten days before the date set for the sale by registered or certified mail addressed to the owner as appearing in the proportional registration records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to that person at their last known residence or place of business. In addition, the notice shall be published at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper in the county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the property to be sold, a statement of the amount due under this chapter, the name of the owner of the proportionally registered vehicles, and the further statement that unless the amount due is paid on or before the time fixed in the notice the property will be sold in accordance with law.

The department shall then proceed to sell the property in accordance with law and the notice, and shall deliver to the purchaser a bill of sale or deed that vests title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state under this chapter from the delinquent owner, the excess shall be returned to the delinquent owner and his receipt obtained for it. The department may withhold payment of the excess to the delinquent owner if a person having an interest in or lien upon the property has filed with the department their notice of the lien or interest before the sale, pending determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the delinquent owner

is not available, the department shall deposit the excess with the state treasurer as trustee for the delinquent owner.

[1987 c 244 § 49.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.370 Warrant for final assessments--Lien on property.

Applicable Cases

Whenever any assessment has become final in accordance with this chapter, the department may file with the clerk of any county within this state a warrant in the amount of fees, taxes, penalties, interest, and a filing fee of five dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant the name of the delinquent owner of proportionally registered vehicles mentioned in the warrant, the amount of the fees, taxes, penalties, interest, and filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed constitutes a lien upon the title to, and interest in, all real and personal property of the named person against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of the clerk. A warrant so docketed is sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee of five dollars, which shall be added to the amount of the warrant.

[1987 c 244 § 50.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.380 Delinquent obligations--Collection by attorney general.

Applicable Cases

Whenever an owner of proportionally registered vehicles is delinquent in the payment of an obligation under this chapter the department may transmit notices of the delinquency to the attorney general who shall at once proceed to collect by appropriate legal action the amount due the state from the delinquent owner.

In a suit brought to enforce the rights of the state under this chapter, a certificate by the department showing the delinquency is prima facie evidence of the amount of the obligation, of the delinquency thereof, and of compliance by the department with all provisions of this chapter relating to the obligation.

[1987 c 244 § 51.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.390 Remedies cumulative.

Applicable Cases

The remedies of the state in this chapter are cumulative, and no action taken by the department may be construed to be an election on the part of the state or any of its officers to pursue any remedy under this chapter to the exclusion of any other remedy provided for in this chapter.

[1987 c 244 § 52.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.400 Civil immunity.

Applicable Cases

(1) The director, the state of Washington, and its political subdivisions are immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle.

(2) No suit or action may be commenced or prosecuted against the director or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

[1987 c 244 § 53.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

RCW 46.87.410 Bankruptcy proceedings--Notice.

Applicable Cases

A proportional registration licensee, who files or against whom is filed a petition in bankruptcy, shall, within ten days of the filing, notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending.

[1997 c 183 § 1.]

RCW 46.87.900 Severability--1985 c 380.

Applicable Cases

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

[1985 c 380 § 26.]

RCW 46.87.901 Effective date--1986 c 18; 1985 c 380.

Applicable Cases

Chapter 380, Laws of 1985 and this 1986 act shall take effect on January 1st 1987. The new fees required by RCW 46.16.070, *46.16.080, 46.16.090, and 46.16.085 shall be assessed beginning with the renewal of vehicle registrations with a December 1986 expiration date or later

and all initial registrations that become effective on or after January 1, 1987. The director of the department of licensing may immediately take such steps as are necessary to insure that this act is implemented on its effective date.

[1986 c 18 § 27; 1985 c 380 § 25.]

Notes:

***Reviser's note:** RCW 46.16.080 was repealed by 1994 c 262 § 28, effective July 1, 1994.

RCW 46.87.910 Short title.

Applicable Cases

This chapter may be known and cited as "Proportional Registration."

[1987 c 244 § 54.]

Notes:

Effective dates--1987 c 244: See note following RCW 46.12.020.

Chapter 46.88 RCW
OUT-OF-STATE COMMERCIAL VEHICLES--INTRASTATE PERMITS

RCW

46.88.010 Commercial vehicles registered in another state--Permits for intrastate operations.

RCW 46.88.010 Commercial vehicles registered in another state--Permits for intrastate operations.

Applicable Cases

The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations upon application to the department. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall be one-twelfth of the fees provided for in RCW 46.16.070 or 46.16.085, as appropriate, and 82.44.020 for each thirty days' operations provided for in the permit.

[1986 c 18 § 25; 1979 c 158 § 202; 1969 ex.s. c 281 § 32.]

Notes:

Effective date--1986 c 18: See RCW 46.87.901.

Effective date--1969 ex.s. c 281: "This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and except for sections 32 and 54 of this 1969 amendatory act shall take effect immediately. Sections 32 and 54 of this 1969 amendatory act shall take effect January 1, 1970." [1969 ex.s. c 281 § 63.]

Reviser's note: Section 32 is codified as RCW 46.88.010, section 54 as RCW 46.16.070.

Chapter 46.90 RCW

WASHINGTON MODEL TRAFFIC ORDINANCE

RCW	
46.90.005	Purpose.
46.90.010	Adoption of model traffic ordinance--Amendments.

RCW 46.90.005 Purpose.

Applicable Cases

The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts that body of rules by reference may at any time exclude any section or sections of those rules that it does not desire to include in its local traffic ordinance. The rules are not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

[1993 c 400 § 1; 1975 1st ex.s. c 54 § 1.]

Notes:

Effective dates--1993 c 400: "(1) Sections 3 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993].

(2) Sections 1 and 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

(3) Section 6 of this act takes effect July 1, 1994." [1993 c 400 § 7.]

RCW 46.90.010 Adoption of model traffic ordinance--Amendments.

Applicable Cases

In consultation with the chief of the Washington state patrol and the traffic safety commission, the director shall adopt in accordance with chapter 34.05 RCW a model traffic ordinance for use by any city, town, or county. The addition of any new section to, or amendment or repeal of any section in, the model traffic ordinance is deemed to amend any city, town, or county, ordinance which has adopted by reference the model traffic ordinance or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

[1993 c 400 § 2; 1975 1st ex.s. c 54 § 2.]

Notes:

Effective dates--1993 c 400: See note following RCW 46.90.005.

Chapter 46.94 RCW MOTORCYCLE DEALERS' FRANCHISE ACT

(Revised November 3, 1988, under the Washington Supreme Court decision in *Washington State Motorcycle Dealers Association, Et al, v. The State of Washington*, 763 P.2d 442, 111 Wash.2d 667 (1988), which declared invalid the five item vetoes to chapter 472, Laws of 1985 (Engrossed Substitute Senate Bill 3333). The Governor exercised his veto power by attempting to excise parts of sections 3, 4, 5, 8, and 10. The vetoed material is restored as parts of RCW 46.94.010, 46.94.020, 46.94.030, 46.94.040, and 46.94.060.)

RCW

46.94.001	Short title.
46.94.005	Legislative intent.
46.94.010	Definitions.
46.94.020	Prohibited trade practices.
46.94.030	Succession to business by designated family member.
46.94.040	Compensation for warranty, delivery, preparation expenses.
46.94.050	Prohibited financial practices.
46.94.060	Civil remedies.
46.94.900	Severability--1985 c 472.

RCW 46.94.001 Short title.

Applicable Cases

This chapter shall be known as the motorcycle dealers' franchise act.

[1985 c 472 § 1.]

RCW 46.94.005 Legislative intent.

Applicable Cases

The legislature recognizes it is in the best public interest for manufacturers and dealers of motorcycles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference, receive adequate allocations of merchandise in a timely manner at competitive prices, and transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motorcycle industry to the extent necessary to balance fairness and efficiency. These actions will assure the public that motorcycle dealers will devote their best competitive efforts and resources to the sale and service of the manufacturer's products which the dealer has been granted the right to sell and service.

[1985 c 472 § 2.]

RCW 46.94.010 Definitions.

Applicable Cases

As used in this chapter:

- (1) "Department" means the department of licensing.
- (2) "Designated family member" means (a) an heir as defined in RCW 11.02.005(6) if the

motorcycle dealer dies intestate or (b) a legatee or devisee as used in Title 11 RCW if the deceased motorcycle dealer leaves a will. A Motorcycle dealer also may name in a notarized statement any person as the designated family member for the purposes of receiving an interest in the motorcycle dealership. Title 11 RCW applies to this chapter. However, in cases of conflict, the notarized inter vivos designation prevails over testamentary and intestate succession. Notarized inter vivos designations under this subsection are not codicils to wills.

(3) "Distributor" means a person, whether a resident or nonresident, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers, or controls any other person, other than a manufacturer, who sells, leases, or distributes motorcycles to motorcycle dealers.

(4) "Distributor branch" means a branch office maintained by the distributor or wholesaler.

(5) "Distributor representative" means a representative employed by a distributor or wholesaler for the purpose of selling or promoting the sale or lease of the distributor's or wholesaler's motorcycles to motorcycle dealers, or for the purpose of supervising or contacting dealers.

(6) "Factory branch" means a branch office maintained by a manufacturer in order to direct and supervise the representatives of the manufacturer.

(7) "Factory representative" means a person employed by a manufacturer for the purpose of making or promoting the sale or lease of the manufacturer's motorcycles to dealers, distributors, or prospective motorcycle dealers.

(8) "Franchise" means an oral or written contract, to include a dealer agreement, either expressed or implied, between a franchisor and a motorcycle dealer which purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motorcycles manufactured, distributed, or imported by the franchisor; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the franchisor; and (c) the dealer's business relies on the franchisor for a continued supply of motorcycles, parts, and accessories.

(9) "Franchisor" means any person who enters into a franchise with a motorcycle dealer.

(10) "Manufacturer" means any person, firm, association, corporation, or trust that manufactures or provides assemblies for motorcycles.

(11) "Motorcycle" means any motor vehicle which has an unladen weight of less than fifteen hundred pounds, including any parts, accessories, equipment, or special tools designated or intended for use on or with those motor vehicles, and (a) which is self-propelled and capable of use and operation on the public highways and streets; or (b) which is a self-propelled, off-road vehicle, tired or nontired, capable of transporting individuals on or off public highways and streets. "Motorcycle" excludes farm tractors, golf carts, firefighting equipment, any motor vehicle designed solely for industrial purposes, and lawnmowers.

(12) "Motorcycle dealer" or "dealer" means a person operating under a dealer agreement or franchise with a franchisor who is engaged regularly in the business of buying, selling,

exchanging, offering, brokering, or leasing with an option to purchase new or used motorcycles in the state, with a place of business in the state.

(13) "New motorcycle" means a motorcycle that has been sold or transferred to a motorcycle dealer and that has not been used for other than demonstration purposes, and on which the original title has not been issued from the motorcycle dealer. The term includes motorcycles not of the current model year comprising part of the dealer's inventory.

(14) "Person" means any natural person, partnership, stock company, corporation, trust, agency, or other legal entity, as well as any individual officers, directors, or other persons in active control of the activities of the entity.

(15) "Place of business" means a permanent, enclosed commercial building, situated within the state, and the real property on which it is located, at which the business of a motorcycle dealer, including the display and repair of motorcycles, may be lawfully conducted in accordance with the terms of all applicable laws and in the building the public may contact the motorcycle dealer or his or her employees at all reasonable times.

(16) "Relevant market area" means a ten-mile radius around a proposed place of business.

[1985 c 472 § 3.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.020 Prohibited trade practices.

Applicable Cases

Acts or conduct described in this section constitute prohibited trade practices that cannot be waived. It is a prohibited trade practice for a franchisor or its manufacturers, distributors, subsidiaries, or other agents:

(1) To require, coerce or attempt to require, or coerce, either directly or indirectly, any motorcycle dealer to:

(a) Accept, buy, or order any motorcycle, part or accessory, or any other commodity or service not voluntarily ordered, or requested, or to buy, order, or pay anything of value for such items in order to obtain any motorcycle part, accessory, or other commodity which has been voluntarily ordered or requested;

(b) Order or accept delivery of any motorcycle with special features, accessories, or equipment not included in the list price of the motorcycle as advertised by the manufacturer, except items which have been voluntarily requested or ordered by the dealer, and except items required by law;

(c) Enter into any agreement or understanding resulting in a reduction of the dealer's allocation of motorcycles for reasons other than reduced production levels causing uniformly and proportionally applied reductions to all dealers;

(d) Enter into any agreement or sales promotion program by threatening to terminate the franchise of the dealer;

(e) Refrain from participation in the management, investment, acquisition, or sale of any

other related product or product line of motor vehicles, parts, or accessories;

(f) Enter into any agreement violating this chapter; or

(g) Enter into an agreement by which the franchisor, manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative can directly solicit the dealer's customers.

(2) To terminate, refuse to renew, fail to extend, or fail to renew any franchise without good cause. Good cause includes but is not limited to:

(a) The amount of business transacted by the dealer as compared to the amount of business available to the dealer;

(b) The investment necessarily made and obligations necessarily incurred by the dealer in the performance of the franchise;

(c) The degree of the dealer's investment, including but not limited to the dealer's purchase or lease of real property for the dealership, the training given to the dealer's employees, and the amount of equipment purchased for the dealership;

(d) The adequacy of the dealer's new motorcycle sales and service facilities, equipment, and parts;

(e) The qualifications and performance of the management, sales, and service personnel to provide the consumer with reasonably good service and care of new motorcycles;

(f) The failure of the dealer to substantially comply in good faith with the reasonable requirements of the franchise;

(g) The adequacy of the franchisor's actual quantities delivered of motorcycles, parts, and accessories compared to quantities promised by the franchisor;

(h) The effect on the retail motorcycle business and the consuming public in the dealer's market area;

(i) Whether the dealer has exercised prudent business judgment.

The dealer shall be notified, in writing, not less than ninety days before termination or nonrenewal with reasons for the actions. If the termination or nonrenewal is based on termination or discontinuance of the product line, the dealer shall be notified not less than one hundred eighty days prior to termination or nonrenewal. All existing franchises shall continue operation under a newly appointed distributor upon the termination of an existing distributor unless a mutual agreement of termination is filed between the new distributor and the affected dealer.

(3) To require a change in capital structure, or means of financing, if the dealer at all times meets the reasonable, written, and uniformly applied capital standards determined by the manufacturer, franchisor, or distributor;

(4) To prevent or attempt to prevent a dealer from making reasonable changes in the capital structure of a dealership or the means by which the dealership is financed if the dealer meets the reasonable, written, and uniformly applied capital requirements determined by the manufacturer, franchisor, or distributor;

(5) To unreasonably require a change in the location of the dealership or any substantial alterations to the place of business;

(6) To condition renewal or extension of the franchise on substantial renovation of the

existing place of business or on the construction, purchase, acquisition, or lease of a new place of business unless written notice is first provided one hundred eighty days prior to the date of renewal or extension and the franchisor demonstrates the reasonableness of the requested actions. The franchisor shall agree to supply the dealer with an adequate quantity of motorcycles, parts, and accessories to meet the sales level necessary to support the overhead resulting from substantial renovation, construction, acquisition, or lease of a new place of business;

(7) To adopt, establish, or implement a plan or system, or to modify an existing plan or system, for the distribution or allocation of motorcycles which is arbitrary, in bad faith, or unconscionable and which damages the dealer or the dealer's customers;

(8) To fail or refuse to disclose to the dealer, after written request, the basis upon which new motorcycles of the same line are currently or will in the future be allocated or distributed to dealers;

(9) To fail or refuse to disclose to dealers, after written request, the total number of new motorcycles of a given model which the manufacturer, franchisor, or distributor has sold during the current model year within the dealer's marketing district, zone, or region;

(10) To refuse or fail to deliver any motorcycle, part, or accessory in reasonable quantities, and within a reasonable time after receipt of the order from the dealer, that is specifically advertised as being immediately available. It is not a prohibited trade practice when the failure to deliver is caused by an act of God, strike, material shortage, or other cause over which the manufacturer, distributor, or franchisor has no control;

(11) To offer a renewal, replacement, or succeeding franchise containing terms substantially modifying the sales and service obligations or capital requirements of the motorcycle dealer, other than as provided for in this chapter;

(12) To sell or lease or offer to sell or lease to a dealer a new motorcycle, including any motorcycle under a sales promotion plan, at a lower price than offered or sold to another similarly situated dealer for the same model, except where the dealer is offered, sold, or leased a new motorcycle at a discount in exchange for providing valuable services to the franchisor, manufacturer, or distributor and except in those instances where a dealer orders motorcycles in sufficient numbers to qualify for volume discounts and as long as discounts are available to all dealers;

(13) To prevent, attempt to prevent, or unreasonably disapprove any motorcycle dealer from changing executive management control of the dealer's motorcycle business, unless the change results in control by a person not of good moral character or who does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards. The dealer shall be given written notice of the reasons for rejection within thirty days of receipt of notice from the dealer of a proposed change;

(14) To reject, prevent, or attempt to prevent any person from selling or transferring a controlling interest to any other person unless the buyer or transferee does not qualify under appropriate state law as a licensed dealer, is not of good moral character, does not meet the manufacturer, distributor, or franchisor's existing and reasonable, written, and uniformly applied capital standards, or does not meet the written and uniformly applied manufacturer, distributor,

or franchisor business experience standards for the market area. The dealer shall be given written notice setting forth the reasons for rejection of the proposed sale or transfer within thirty days of notice by the dealer of the sale or transfer;

(15) To fail to hold harmless and indemnify any motorcycle dealer against losses, including lawsuits and court costs, arising from: (a) The manufacture or performance of any motorcycle, part, or accessory if the lawsuit involves representations by the manufacturer, distributor, or franchisor on the manufacture or performance of a motorcycle without negligence on the part of the motorcycle dealer; (b) damage to merchandise in transit where the manufacturer, distributor, or franchisor specifies the carrier; (c) the manufacturer, distributor, or franchisor's failure to jointly defend product liability suits concerning the motorcycle, part, or accessory provided to the dealer; or (d) any other act performed by the manufacturer, distributor, or franchisor;

(16) To unfairly prevent or attempt to prevent a motorcycle dealer from receiving reasonable compensation for the value of a motorcycle;

(17) To release confidential information provided by the motorcycle dealer to the manufacturer, distributor, or franchisor without the written prior consent of the dealer;

(18) To fail to pay to a motorcycle dealer, within a reasonable time following receipt of a valid claim, any payment agreed to be made by the manufacturer, distributor, or franchisor on grounds that a new motorcycle, or a prior year's model, is in the dealer's inventory at the time of introduction of new model motorcycles;

(19) To deny any dealer the right of free association with any other dealer for any lawful purpose;

(20) To artificially and intentionally create a shortage of any motorcycle make, model, or series that results in the inequitable distribution of the make, model, or series to dealers;

(21) To charge increased prices without having given written notice to the dealers at least fifteen days prior to the effective date of the price increases;

(22) To permit factory authorized warranty service to be performed upon motorcycles or accessories by persons other than their franchised motorcycle dealers;

(23) To unreasonably interfere with a dealer's performance under the franchise agreement's sale quota by withholding sufficient deliveries of motorcycles; or

(24) To own, operate, or control any motorcycle dealer or place of business selling at retail in the state.

[1985 c 472 § 4.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.030 Succession to business by designated family member.

Applicable Cases

(1) The manufacturer, distributor, or franchisor shall not prevent, attempt to prevent, refuse to give effect to, attempt to refuse to give effect to, or in any way hinder the succession to

the ownership, management, control, or continuance of a dealer's motorcycle business by a designated family member upon the death or incapacity of the dealer, except as otherwise provided in this chapter.

(2) A designated family member, at his or her discretion, may succeed the dealer in ownership or management control under the existing agreement. The designated family member shall provide notice to the franchisor, in writing, of the intention to succeed to the franchise within one hundred twenty days after the dealer's death or incapacity. The designated family member shall agree to be bound by the terms of the original franchise. The designated family member shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

(3) A designated family member may only be rejected for succession on reasonable grounds. The franchisor shall provide written notice to the designated family member within sixty days of receipt of notice of the intention to succeed. The notice shall state the specific grounds for refusal, termination, or nonrenewal of the franchise and shall not take effect less than ninety days after receipt of the notice by the designated family member. If notice is not served within the designated time period, the franchise shall continue in effect with the designated family member.

(4) The designated family member may appeal to the appropriate court within ninety days of receipt of notice of refusal, termination, or nonrenewal. The franchisor has the burden of proving reasonable grounds. A designated family member prevailing in such action shall recover reasonable costs and attorney's fees.

(5) A dealer may designate any person as the recipient of the franchise by making a notarized statement in accordance with RCW 46.94.010(2). The statement shall be filed with the franchisor. The statement shall be controlling and binding on all heirs and testamentary successors. The recipient shall agree to be bound by the terms of the original franchise. The recipient shall meet the reasonable, written, and uniformly applied conditions applied by the franchisor under the existing franchise.

[1985 c 472 § 5.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.040 Compensation for warranty, delivery, preparation expenses.

Applicable Cases

(1) The manufacturer, distributor, or franchisor shall compensate the dealer for labor, parts, and other expenses incurred to comply with the manufacturer, distributor, or franchisor's warranty agreements, and for work and services performed in connection with delivery and preparation of motorcycles received from the manufacturer, distributor, or franchisor. The compensation shall not be less than the rates reasonably charged by the dealer for like services and parts to retail customers.

(2) All claims for compensation made by the dealer shall be paid within thirty days after

approval and shall be approved or disapproved within thirty days of their receipt by the manufacturer, distributor, or franchisor.

Any denial of claim shall be in writing and shall set forth the specific grounds for denial.

(3) A claim that has been approved and paid shall not be charged back to the dealer unless it is established the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective condition, or the dealer failed to reasonably substantiate the claim.

[1985 c 472 § 8.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.050 Prohibited financial practices.

Applicable Cases

No manufacturer, distributor, or franchisor shall require or coerce any dealer to sell, assign, or transfer a retail sales installment contract, or require the dealer to act as an agent for any manufacturer, distributor, or franchisor in the securing of a promissory note, a security agreement given in connection with the sale of a motorcycle, or securing of a policy of insurance for a motorcycle. The manufacturer, distributor, or franchisor may not condition delivery of motorcycles, parts, or accessories upon the dealer's assignment, sale, or other transfer of sales installment contracts to specific finance companies.

[1985 c 472 § 9.]

RCW 46.94.060 Civil remedies.

Applicable Cases

Any person injured by a violation of this chapter may bring a civil action in a court of competent jurisdiction to enjoin further violations or to recover damages. Injunctive relief may be granted in an action brought under this chapter without the dealer being required to post a bond if, in the opinion of the court, there exists a likelihood the dealer may prevail upon the merits.

[1985 c 472 § 10.]

Notes:

Reviser's note: See note at beginning of chapter digest.

RCW 46.94.900 Severability--1985 c 472.

Applicable Cases

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

[1985 c 472 § 14.]

Chapter 46.96 RCW
MANUFACTURERS' AND DEALERS' FRANCHISE AGREEMENTS

RCW	
46.96.010	Legislative findings.
46.96.020	Definitions.
46.96.030	Termination, cancellation, nonrenewal of franchise restricted.
46.96.040	Determination of good cause, good faith--Petition, notice, decision, appeal.
46.96.050	Determination of good cause, good faith--Hearing, decision, procedures--Judicial review.
46.96.060	Good cause, what constitutes--Burden of proof.
46.96.070	Notice of termination, cancellation, or nonrenewal.
46.96.080	Payments by manufacturer to dealer for inventory, equipment, etc.
46.96.090	Payments by manufacturer for dealership facilities.
46.96.100	Mitigation of damages.
46.96.105	Warranty work.
46.96.110	Designated successor to franchise ownership.
46.96.140	Relevant market area--Definition--New or relocated dealerships, notice of.
46.96.150	Protest of new or relocated dealership--Hearing--Arbitration.
46.96.160	Factors considered by administrative law judge.
46.96.170	Hearing--Procedures, costs, appeal.
46.96.180	Exceptions.
46.96.190	Prohibited practices by manufacturer.
46.96.200	Sale, transfer, or exchange of franchise.
46.96.210	Petition and hearing--Filing fee, costs, security.
46.96.900	Severability--1989 c 415.

RCW 46.96.010 Legislative findings.

Applicable Cases

The legislature finds and declares that the distribution and sale of motor vehicles in this state vitally affect the general economy of the state and the public interest and public welfare, that provision for warranty service to motor vehicles is of substantial concern to the people of this state, that the maintenance of fair competition among dealers and others is in the public interest, and that the maintenance of strong and sound dealerships is essential to provide continuing and necessary reliable services to the consuming public in this state and to provide stable employment to the citizens of this state. The legislature further finds that there is a substantial disparity in bargaining power between automobile manufacturers and their dealers, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate the relationship between motor vehicle dealers and motor vehicle manufacturers, importers, distributors, and their representatives doing business in this state, not only for the protection of dealers but also for the benefit for the public in assuring the continued availability and servicing of automobiles sold to the public.

The legislature recognizes it is in the best interest for manufacturers and dealers of motor vehicles to conduct business with each other in a fair, efficient, and competitive manner. The legislature declares the public interest is best served by dealers being assured of the ability to

manage their business enterprises under a contractual obligation with manufacturers where dealers do not experience unreasonable interference and are assured of the ability to transfer ownership of their business without undue constraints. It is the intent of the legislature to impose a regulatory scheme and to regulate competition in the motor vehicle industry to the extent necessary to balance fairness and efficiency. These actions will permit motor vehicle dealers to better serve consumers and allow dealers to devote their best competitive efforts and resources to the sale and services of the manufacturer's products to consumers.

[1989 c 415 § 1.]

RCW 46.96.020 Definitions.

Applicable Cases

In addition to the definitions contained in RCW 46.70.011, which are incorporated by reference into this chapter, the definitions set forth in this section apply only for the purposes of this chapter.

(1) A "new motor vehicle" is a vehicle that has not been titled by a state and ownership of which may be transferred on a manufacturer's statement of origin (MSO).

(2) "New motor vehicle dealer" means a motor vehicle dealer engaged in the business of buying, selling, exchanging, or otherwise dealing in new motor vehicles or new and used motor vehicles at an established place of business, under a franchise, sales and service agreement, or contract with the manufacturer of the new motor vehicles. However, the term "new motor vehicle dealer" does not include a miscellaneous vehicle dealer as defined in RCW 46.70.011(3)(c) or a motorcycle dealer as defined in chapter 46.94 RCW.

(3) "Franchise" means one or more agreements, whether oral or written, between a manufacturer and a new motor vehicle dealer, under which the new motor vehicle dealer is authorized to sell, service, and repair new motor vehicles, parts, and accessories under a common name, trade name, trademark, or service mark of the manufacturer.

"Franchise" includes an oral or written contract and includes a dealer agreement, either expressed or implied, between a manufacturer and a new motor vehicle dealer that purports to fix the legal rights and liabilities between the parties and under which (a) the dealer is granted the right to purchase and resell motor vehicles manufactured, distributed, or imported by the manufacturer; (b) the dealer's business is associated with the trademark, trade name, commercial symbol, or advertisement designating the franchisor or the products distributed by the manufacturer; and (c) the dealer's business relies on the manufacturer for a continued supply of motor vehicles, parts, and accessories.

(4) "Good faith" means honesty in fact and fair dealing in the trade as defined and interpreted in RCW 62A.2-103.

(5) "Designated successor" means:

(a) The spouse, biological or adopted child, grandchild, parent, brother, or sister of the owner of a new motor vehicle dealership who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealership under the terms of the owner's will or similar document, and if there is no such will or similar document, then under applicable

intestate laws;

(b) A qualified person experienced in the business of a new motor vehicle dealer who has been nominated by the owner of a new motor vehicle dealership as the successor in a written, notarized, and witnessed instrument submitted to the manufacturer; or

(c) In the case of an incapacitated owner of a new motor vehicle dealership, the person who has been appointed by a court as the legal representative of the incapacitated owner's property.

(6) "Owner" means a person holding an ownership interest in the business entity operating as a new motor vehicle dealer and who is the designated dealer in the new motor vehicle franchise agreement.

(7) "Person" means every natural person, partnership, corporation, association, trust, estate, or any other legal entity.

[1989 c 415 § 2.]

RCW 46.96.030 Termination, cancellation, nonrenewal of franchise restricted.

Applicable Cases

Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, no manufacturer may terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer, unless the manufacturer has complied with the notice requirements of RCW 46.96.070 and an administrative law judge has determined, if requested in writing by the new motor vehicle dealer within the applicable time period specified in RCW 46.96.070 (1), (2), or (3), after hearing, that there is good cause for the termination, cancellation, or nonrenewal of the franchise and that the manufacturer has acted in good faith, as defined in this chapter, regarding the termination, cancellation, or nonrenewal.

[1989 c 415 § 3.]

RCW 46.96.040 Determination of good cause, good faith--Petition, notice, decision, appeal.

Applicable Cases

A new motor vehicle dealer who has received written notification from the manufacturer of the manufacturer's intent to terminate, cancel, or not renew the franchise may file a petition with the department for a determination as to the existence of good cause and good faith for the termination, cancellation, or nonrenewal of a franchise. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the termination, cancellation, or nonrenewal of the franchise. Upon the filing of the petition and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely petition has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The franchise in question shall continue in full force and effect pending the administrative law judge's decision. If the decision of the administrative law judge terminating, canceling, or failing to renew a dealer's franchise is appealed by a dealer, the franchise in question shall continue in full force and effect until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the

administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

[1989 c 415 § 4.]

RCW 46.96.050 Determination of good cause, good faith--Hearing, decision, procedures--Judicial review.

Applicable Cases

(1) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a petition is filed. If the termination, cancellation, or nonrenewal is under RCW 46.96.070(2), the administrative law judge shall give the proceeding priority consideration and shall render a final decision not later than sixty days after a petition is filed.

(2) The administrative law judge shall conduct the hearing as an adjudicative proceeding in accordance with the procedures provided for in the Administrative Procedure Act, chapter 34.05 RCW. The administrative law judge shall render the final decision and shall enter a final order. Except as otherwise provided in RCW 34.05.446 and 34.05.449, all hearing costs shall be borne on an equal basis by the parties to the hearing.

(3) A party to a hearing under this chapter may be represented by counsel. A party to a hearing aggrieved by the final order of the administrative law judge concerning the termination, cancellation, or nonrenewal of a franchise may seek judicial review of the order in the superior court in the manner provided for in RCW 34.05.510 through 34.05.598. A petitioner for judicial review need not exhaust all administrative appeals or administrative review processes as a prerequisite for seeking judicial review under this section.

[1989 c 415 § 5.]

RCW 46.96.060 Good cause, what constitutes--Burden of proof.

Applicable Cases

(1) Notwithstanding the terms of a franchise or the terms of a waiver, and except as otherwise provided in RCW 46.96.070(2) (a) through (d), good cause exists for termination, cancellation, or nonrenewal when there is a failure by the new motor vehicle dealer to comply with a provision of the franchise that is both reasonable and of material significance to the franchise relationship, if the new motor vehicle dealer was notified of the failure within one hundred eighty days after the manufacturer first acquired knowledge of the failure and the new motor vehicle dealer did not correct the failure after being requested to do so.

If, however, the failure of the new motor vehicle dealer relates to the performance of the new motor vehicle dealer in sales, service, or level of customer satisfaction, good cause is the failure of the new motor vehicle dealer to comply with reasonable performance standards determined by the manufacturer in accordance with uniformly applied criteria, and:

(a) The new motor vehicle dealer was advised, in writing, by the manufacturer of the failure;

(b) The notice under this subsection stated that notice was provided of a failure of performance under this section;

(c) The manufacturer provided the new motor vehicle dealer with specific, reasonable goals or reasonable performance standards with which the dealer must comply, together with a suggested timetable or program for attaining those goals or standards, and the new motor vehicle dealer was given a reasonable opportunity, for a period not less than one hundred eighty days, to comply with the goals or standards; and

(d) The new motor vehicle dealer did not substantially comply with the manufacturer's performance standards during that period and the failure to demonstrate substantial compliance was not due to market or economic factors within the new motor vehicle dealer's relevant market area that were beyond the control of the dealer.

(2) The manufacturer has the burden of proof of establishing good cause and good faith for the termination, cancellation, or nonrenewal of the franchise under this section.

[1989 c 415 § 6.]

RCW 46.96.070 Notice of termination, cancellation, or nonrenewal.

Applicable Cases

Before the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall give written notification to both the department and the new motor vehicle dealer. The notice shall be by certified mail or personally delivered to the new motor vehicle dealer and shall state the intention to terminate, cancel, or not renew the franchise, the reasons for the termination, cancellation, or nonrenewal, and the effective date of the termination, cancellation, or nonrenewal. The notice shall be given:

(1) Not less than ninety days before the effective date of the termination, cancellation, or nonrenewal;

(2) Not less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following that constitute good cause for termination, cancellation, or nonrenewal:

(a) Insolvency of the new motor vehicle dealer or the filing of any petition by or against the new motor vehicle dealer under bankruptcy or receivership law;

(b) Failure of the new motor vehicle dealer to conduct sales and service operations during customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;

(c) Conviction of the new motor vehicle dealer, or principal operator of the dealership, of a felony punishable by imprisonment; or

(d) Suspension or revocation of a license that the new motor vehicle dealer is required to have to operate the new motor vehicle dealership where the suspension or revocation is for a period in excess of thirty days;

(3) Not less than one hundred eighty days before the effective date of termination, cancellation, or nonrenewal, where the manufacturer intends to discontinue sale and distribution of the new motor vehicle line.

[1989 c 415 § 7.]

RCW 46.96.080 Payments by manufacturer to dealer for inventory, equipment, etc.

Applicable Cases

(1) Upon the termination, cancellation, or nonrenewal of a franchise by the manufacturer under this chapter, the manufacturer shall pay the new motor vehicle dealer, at a minimum:

(a) Dealer cost plus any charges by the manufacturer for distribution, delivery, and taxes, less all allowances paid or credited to the dealer by the manufacturer, of unused, undamaged, and unsold new motor vehicles in the new motor vehicle dealer's inventory that were acquired from the manufacturer or another new motor vehicle dealer of the same line make within the previous twelve months;

(b) Dealer cost for all unused, undamaged, and unsold supplies, parts, and accessories in original packaging, except that in the case of sheet metal, a comparable substitute for original packaging may be used, if the supply, part, or accessory was acquired from the manufacturer or from another new motor vehicle dealer ceasing operations as a part of the new motor vehicle dealer's initial inventory as long as the supplies, parts, and accessories appear in the manufacturer's current parts catalog, list, or current offering;

(c) Dealer cost for all unused, undamaged, and unsold inventory, whether vehicles, parts, or accessories, the purchase of which was required by the manufacturer;

(d) The fair market value of each undamaged sign owned by the new motor vehicle dealer that bears a common name, trade name, or trademark of the manufacturer, if acquisition of the sign was recommended or required by the manufacturer and the sign is in good and usable condition less reasonable wear and tear, and has not been depreciated by the dealer more than fifty percent of the value of the sign;

(e) The fair market value of all equipment, furnishings, and special tools owned or leased by the new motor vehicle dealer that were acquired from the manufacturer or sources approved by the manufacturer and that were recommended or required by the manufacturer and are in good and usable condition, less reasonable wear and tear. However, if the equipment, furnishings, or tools are leased by the new motor vehicle dealer, the manufacturer shall pay the new motor vehicle dealer such amounts that are required by the lessor to terminate the lease under the terms of the lease agreement; and

(f) The cost of transporting, handling, packing, and loading of new motor vehicles, supplies, parts, accessories, signs, special tools, equipment, and furnishings.

To the extent the franchise agreement provides for payment or reimbursement to the new motor vehicle dealer in excess of that specified in this section, the provisions of the franchise agreement shall control.

(2) The manufacturer shall pay the new motor vehicle dealer the sums specified in subsection (1) of this section within ninety days after the tender of the property, if the new motor vehicle dealer has clear title to the property and is in a position to convey that title to the manufacturer.

[1989 c 415 § 8.]

RCW 46.96.090 Payments by manufacturer for dealership facilities.

Applicable Cases

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under RCW 46.96.070(2), the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer:

(a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or

(b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If payment under subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

[1989 c 415 § 9.]

RCW 46.96.100 Mitigation of damages.

Applicable Cases

RCW 46.96.030 through 46.96.090 do not relieve a new motor vehicle dealer from the obligation to mitigate the dealer's damages upon termination, cancellation, or nonrenewal of the franchise.

[1989 c 415 § 10.]

RCW 46.96.105 Warranty work.

Applicable Cases

(1) Each manufacturer shall specify in its franchise agreement, or in a separate written agreement, with each of its dealers licensed in this state, the dealer's obligation to perform warranty work or service on the manufacturer's products. Each manufacturer shall provide each of its dealers with a schedule of compensation to be paid to the dealer for any warranty work or service, including parts, labor, and diagnostic work, required of the dealer by the manufacturer in connection with the manufacturer's products.

(2) All claims for warranty work for parts and labor made by dealers under this section shall be paid by the manufacturer within thirty days following receipt, provided the claim has been approved by the manufacturer. The manufacturer has the right to audit claims for warranty work and to charge the dealer for any unsubstantiated, incorrect, or false claims for a period of one year following payment. However, the manufacturer may audit and charge the dealer for any fraudulent claims during any period for which an action for fraud may be commenced under applicable state law.

(3) All claims submitted by dealers on the forms and in the manner specified by the manufacturer shall be either approved or disapproved within thirty days following their receipt. The manufacturer shall notify the dealer in writing of any disapproved claim, and shall set forth the reasons why the claim was not approved. Any claim not specifically disapproved in writing within thirty days following receipt is approved, and the manufacturer is required to pay that claim within thirty days of receipt of the claim.

[1998 c 298 § 1.]

Notes:

Severability--1998 c 298: See note following RCW 19.118.021.

RCW 46.96.110 Designated successor to franchise ownership.

Applicable Cases

(1) Notwithstanding the terms of a franchise, an owner may appoint a designated successor to succeed to the ownership of the new motor vehicle dealer franchise upon the owner's death or incapacity.

(2) Notwithstanding the terms of a franchise, a designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise may succeed to the ownership interest of the owner under the existing franchise, if:

(a) In the case of a designated successor who meets the definition of a designated successor under RCW 46.96.020(5)(a), but who is not experienced in the business of a new motor vehicle dealer, the person will employ an individual who is qualified and experienced in the business of a new motor vehicle dealer to help manage the day-to-day operations of the motor vehicle dealership; or in the case of a designated successor who meets the definition of a designated successor under RCW 46.96.020(5) (b) or (c), the person is qualified and experienced in the business of a new motor vehicle dealer and meets the normal, reasonable, and uniformly applied standards for grant of an application as a new motor vehicle dealer by the manufacturer; and

(b) The designated successor furnishes written notice to the manufacturer of his or her intention to succeed to the ownership of the new motor vehicle dealership within sixty days after the owner's death or incapacity; and

(c) The designated successor agrees to be bound by all terms and conditions of the franchise.

(3) The manufacturer may request, and the designated successor shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession should be honored.

(4) A manufacturer may refuse to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor if the manufacturer establishes that good cause exists for its refusal to honor the succession. If the designated successor of a deceased or incapacitated owner of a new motor vehicle dealer franchise fails to meet the requirements set forth in subsections (2) (a), (b), and (c) of this section, good cause for refusing to honor the succession is presumed to exist. If a manufacturer believes that good cause exists for refusing to

honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor, the manufacturer shall serve written notice on the designated successor and on the department of its refusal to honor the succession no earlier than sixty days from the date the notice is served. The notice must be served not later than sixty days after the manufacturer's receipt of:

(a) Notice of the designated successor's intent to succeed to the ownership interest of the new motor vehicle dealer's franchise; or

(b) Any personal or financial information requested by the manufacturer.

(5) The notice in subsection (4) of this section shall state the specific grounds for the refusal to honor the succession. If the notice of refusal is not timely and properly served, the designated successor may continue the franchise in full force and effect, subject to termination only as otherwise provided under this chapter.

(6) Within twenty days after receipt of the notice or within twenty days after the end of any appeal procedure provided by the manufacturer, whichever is greater, the designated successor may file a petition with the department protesting the refusal to honor the succession. The petition shall contain a short statement setting forth the reasons for the designated successor's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not terminate or otherwise discontinue the existing franchise until the administrative law judge has held a hearing and has determined that there is good cause for refusing to honor the succession. If an appeal is taken, the manufacturer shall not terminate or discontinue the franchise until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

(7) The manufacturer has the burden of proof to show that good cause exists for the refusal to honor the succession.

(8) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a protest is filed.

(9) The administrative law judge shall conduct any hearing concerning the refusal to the succession as provided in RCW 46.96.050(2) and all hearing costs shall be borne as provided in that subsection. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in RCW 46.96.050(3).

(10) This section does not preclude the owner of a new motor vehicle dealer franchise from designating any person as his or her successor by a written, notarized, and witnessed instrument filed with the manufacturer. In the event of a conflict between such a written instrument that has not been revoked by written notice from the owner to the manufacturer and this section, the written instrument governs.

RCW 46.96.140 Relevant market area--Definition--New or relocated dealerships, notice of.

Applicable Cases

(1) For the purposes of this section, and throughout this chapter, the term "relevant market area" is defined as follows:

(a) If the population in the county in which the proposed new or relocated dealership is to be located is four hundred thousand or more, the relevant market area is the geographic area within a radius of eight miles around the proposed site;

(b) If the population in the county in which the proposed new or relocated dealership is to be located is two hundred thousand or more and less than four hundred thousand, the relevant market area is the geographic area within a radius of twelve miles around the proposed site;

(c) If the population in the county in which the proposed new or relocated dealership is to be located is less than two hundred thousand, the relevant market area is the geographic area within a radius of sixteen miles around the proposed site.

In determining population for this definition, the most recent census by the United States Bureau of Census or the most recent population update, either from the National Planning Data Corporation or other similar recognized source, shall be accumulated for all census tracts either wholly or partially within the relevant market area.

(2) For the purpose of RCW 46.96.140 through 46.96.180, the term "motor vehicle dealer" does not include dealerships who exclusively market vehicles 19,000 pounds gross vehicle weight and above.

(3) Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, if a manufacturer intends or proposes to enter into a franchise to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into a relevant market area in which the same line make of motor vehicle is then represented, the manufacturer shall provide at least sixty days advance written notice to the department and to each new motor vehicle dealer of the same line make in the relevant market area, of the manufacturer's intention to establish an additional new motor vehicle dealer or to relocate an existing new motor vehicle dealer within or into the relevant market area. The notice shall be sent by certified mail to each such party and shall include the following information:

(a) The specific location at which the additional or relocated motor vehicle dealer will be established;

(b) The date on or after which the additional or relocated motor vehicle dealer intends to commence business at the proposed location;

(c) The identity of all motor vehicle dealers who are franchised to sell the same line make vehicles as the proposed dealer and who have licensed locations within the relevant market area;

(d) The names and addresses, if available, of the owners of and principal investors in the proposed additional or relocated motor vehicle dealership; and

(e) The specific grounds or reasons for the proposed establishment of an additional motor vehicle dealer or relocation of an existing dealer.

[1994 c 274 § 1.]

RCW 46.96.150 Protest of new or relocated dealership--Hearing--Arbitration.

Applicable Cases

(1) Within thirty days after receipt of the notice under RCW 46.96.140, or within thirty days after the end of an appeal procedure provided by the manufacturer, whichever is greater, a new motor vehicle dealer so notified or entitled to notice may file a petition with the department protesting the proposed establishment or relocation. The petition shall contain a short statement setting forth the reasons for the dealer's objection to the proposed establishment or relocation. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not establish or relocate the new motor vehicle dealer until the administrative law judge has held a hearing and has determined that there is good cause for permitting the proposed establishment or relocation. When more than one protest is filed against the establishment or relocation of the same dealer, the administrative law judge shall consolidate the hearings to expedite disposition of the matter.

(2) If a manufacturer provides in the franchise agreement or by written statement distributed and provided to its dealers for arbitration under the Washington Arbitration Act, chapter 7.04 RCW, as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the provisions of this section and RCW 46.96.170 relating to hearings by an administrative law judge do not apply, and a dispute regarding the establishment of an additional new motor vehicle dealer or the relocation of an existing new motor vehicle dealer shall be determined in an arbitration proceeding conducted in accordance with the Washington Arbitration Act, chapter 7.04 RCW. The thirty-day period for filing a protest under this section still applies except that the protesting dealer shall file his protest with the manufacturer within thirty days after receipt of the notice under RCW 46.96.140.

(3) The dispute shall be referred for arbitration to such arbitrator as may be agreed upon by the parties to the dispute. If the parties cannot agree upon a single arbitrator within thirty days from the date the protest is filed, the protesting dealer will select an arbitrator, the manufacturer will select an arbitrator, and the two arbitrators will then select a third. If a third arbitrator is not agreed upon within thirty days, any party may apply to the superior court, and the judge of the superior court having jurisdiction will appoint the third arbitrator. The protesting dealer will pay the arbitrator selected by him, and the manufacturer will pay the arbitrator it selected. The expense of the third arbitrator and all other expenses of arbitration will be shared equally by the parties. Attorneys' fees and fees paid to expert witnesses are not expenses of arbitration and will be paid by the person incurring them.

(4) Notwithstanding the terms of a franchise or written statement of the manufacturer and notwithstanding the terms of a waiver, the arbitration will take place in the state of Washington in the county where the protesting dealer has his principal place of business. RCW 46.96.160 applies to a determination made by the arbitrator or arbitrators in determining whether good

cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer, and the manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation. After a hearing has been held, the arbitrator or arbitrators shall render a decision as expeditiously as possible, but in any event not later than one hundred twenty days from the date the arbitrator or arbitrators are selected or appointed. The manufacturer shall not establish or relocate the new motor vehicle dealer until the arbitration hearing has been held and the arbitrator or arbitrators have determined that there is good cause for permitting the proposed establishment or relocation. The written decision of the arbitrator is binding upon the parties unless modified, corrected, or vacated under the Washington Arbitration Act. Any party may appeal the decision of the arbitrator under the Washington Arbitration Act, chapter 7.04 RCW.

(5) If the franchise agreement or the manufacturer's written statement distributed and provided to its dealers does not provide for arbitration under the Washington Arbitration Act as a mechanism for resolving disputes relating to the establishment of an additional new motor vehicle dealer or the relocation of a new motor vehicle dealer, then the hearing provisions of this section and RCW 46.96.170 apply. Nothing in this section is intended to preclude a new motor vehicle dealer from electing to use any other dispute resolution mechanism offered by a manufacturer.

[1994 c 274 § 2.]

RCW 46.96.160 Factors considered by administrative law judge.

Applicable Cases

In determining whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge shall take into consideration the existing circumstances, including, but not limited to:

(1) The extent, nature, and permanency of the investment of both the existing motor vehicle dealers of the same line make in the relevant market area and the proposed additional or relocating new motor vehicle dealer, including obligations reasonably incurred by the existing dealers to perform their obligations under their respective franchises;

(2) The growth or decline in population and new motor vehicle registrations during the past five years in the relevant market area;

(3) The effect on the consuming public in the relevant market area;

(4) The effect on the existing new motor vehicle dealers in the relevant market area, including any adverse financial impact;

(5) The reasonably expected or anticipated vehicle market for the relevant market area, including demographic factors such as age of population, income, education, size class preference, product popularity, retail lease transactions, or other factors affecting sales to consumers in the relevant market area;

(6) Whether it is injurious or beneficial to the public welfare for an additional new motor vehicle dealer to be established;

(7) Whether the new motor vehicle dealers of the same line make in the relevant market

area are providing adequate competition and convenient customer care for the motor vehicles of the same line make in the relevant market area, including the adequacy of motor vehicle sales and service facilities, equipment, supply of vehicle parts, and qualified service personnel;

(8) Whether the establishment of an additional new motor vehicle dealer would increase competition and be in the public interest;

(9) Whether the manufacturer is motivated principally by good faith to establish an additional or new motor vehicle dealer and not by noneconomic considerations;

(10) Whether the manufacturer has denied its existing new motor vehicle dealers of the same line make the opportunity for reasonable growth, market expansion, establishment of a subagency, or relocation;

(11) Whether the protesting dealer or dealers are in substantial compliance with their dealer agreements or franchises; and

(12) Whether the manufacturer has complied with the requirements of RCW 46.96.140 and 46.96.150.

In considering the factors set forth in this section, the administrative law judge shall give the factors equal weight, and in making a determination as to whether good cause exists for permitting the proposed establishment or relocation of a new motor vehicle dealer of the same line make, the administrative law judge must find that at least nine of the factors set forth in this section weigh in favor of the manufacturer and in favor of the proposed establishment or relocation of a new motor vehicle dealer.

[1994 c 274 § 3.]

RCW 46.96.170 Hearing--Procedures, costs, appeal.

Applicable Cases

(1) The manufacturer has the burden of proof to establish that good cause exists for permitting the proposed establishment or relocation.

(2) The administrative law judge shall conduct any hearing as provided in RCW 46.96.050(2), and all hearing costs shall be borne as provided in that subsection. The administrative law judge shall render the final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. If more than one protest is filed, the one hundred twenty days commences to run from the date the last protest is filed. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in RCW 46.96.050(3).

[1994 c 274 § 4.]

RCW 46.96.180 Exceptions.

Applicable Cases

RCW 46.96.140 through 46.96.170 do not apply:

(1) To the sale or transfer of the ownership or assets of an existing new motor vehicle dealer where the transferee proposes to engage in business representing the same line make at the same location or within two miles of that location;

(2) To the relocation of an existing new motor vehicle dealer within the dealer's relevant market area, if the relocation is not at a site within eight miles of any new motor vehicle dealer of the same line make;

(3) If the proposed new motor vehicle dealer is to be established at or within two miles of a location at which a former new motor vehicle dealer of the same line make had ceased operating within the previous twenty-four months;

(4) Where the proposed relocation is two miles or less from the existing location of the relocating new motor vehicle dealer; or

(5) Where the proposed relocation is to be further away from all other existing new motor vehicle dealers of the same line make in the relevant market area.

[1994 c 274 § 5.]

RCW 46.96.190 Prohibited practices by manufacturer.

Applicable Cases

A manufacturer shall not coerce, threaten, intimidate, or require a new motor vehicle dealer, as a condition to granting or renewing a franchise, to waive, limit, or disclaim a right that the dealer may have to protest the establishment or relocation of another motor vehicle dealer in the relevant market area as provided in RCW 46.96.150.

[1994 c 274 § 6.]

RCW 46.96.200 Sale, transfer, or exchange of franchise.

Applicable Cases

(1) Notwithstanding the terms of a franchise, a manufacturer shall not unreasonably withhold consent to the sale, transfer, or exchange of a franchise to a qualified buyer who meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer or is capable of being licensed as a new motor vehicle dealer in the state of Washington. A decision or determination made by the administrative law judge as to whether a qualified buyer is capable of being licensed as a new motor vehicle dealer in the state of Washington is not conclusive or determinative of any ultimate determination made by the department of licensing as to the buyer's qualification for a motor vehicle dealer license. A manufacturer's failure to respond in writing to a request for consent under this subsection within sixty days after receipt of a written request on the forms, if any, generally used by the manufacturer containing the information and reasonable promises required by a manufacturer is deemed to be consent to the request. A manufacturer may request, and, if so requested, the applicant for a franchise (a) shall promptly provide such personal and financial information as is reasonably necessary to determine whether the sale, transfer, or exchange should be approved, and (b) shall agree to be bound by all reasonable terms and conditions of the franchise.

(2) If a manufacturer refuses to approve the sale, transfer, or exchange of a franchise, the manufacturer shall serve written notice on the applicant, the transferring, selling, or exchanging new motor vehicle dealer, and the department of its refusal to approve the transfer of the franchise no later than sixty days after the date the manufacturer receives the written request from

the new motor vehicle dealer. If the manufacturer has requested personal or financial information from the applicant under subsection (1) of this section, the notice shall be served not later than sixty days after the receipt of all of such documents. Service of all notices under this section shall be made by personal service or by certified mail, return receipt requested.

(3) The notice in subsection (2) of this section shall state the specific grounds for the refusal to approve the sale, transfer, or exchange of the franchise.

(4) Within twenty days after receipt of the notice of refusal to approve the sale, transfer, or exchange of the franchise by the transferring new motor vehicle dealer, the new motor vehicle dealer may file a petition with the department to protest the refusal to approve the sale, transfer, or exchange. The petition shall contain a short statement setting forth the reasons for the dealer's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed, and the department shall arrange for a hearing with an administrative law judge as the presiding officer to determine if the manufacturer unreasonably withheld consent to the sale, transfer, or exchange of the franchise.

(5) In determining whether the manufacturer unreasonably withheld its approval to the sale, transfer, or exchange, the manufacturer has the burden of proof that it acted reasonably. A manufacturer's refusal to accept or approve a proposed buyer who otherwise meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer, or who otherwise is capable of being licensed as a new motor vehicle dealer in the state of Washington, is presumed to be unreasonable.

(6) The administrative law judge shall conduct a hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. Only the selling, transferring, or exchanging new motor vehicle dealer and the manufacturer may be parties to the hearing.

(7) The administrative law judge shall conduct any hearing as provided in RCW 46.96.050(2), and all hearing costs shall be borne as provided in that subsection. Only the manufacturer and the selling, transferring, or exchanging new motor vehicle dealer may appeal the final order of the administrative law judge as provided in RCW 46.96.050(3).

(8) This section and RCW 46.96.030 through 46.96.110 apply to all franchises and contracts existing on July 23, 1989, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

(9) RCW 46.96.140 through 46.96.190 apply to all franchises and contracts existing on October 1, 1994, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

[1994 c 274 § 7; 1989 c 415 § 18. Formerly RCW 46.96.120.]

RCW 46.96.210 Petition and hearing--Filing fee, costs, security.

Applicable Cases

The department shall determine and establish the amount of the filing fee required in RCW 46.96.040, 46.96.110, 46.96.150, and 46.96.200. The fees shall be set in accordance with

RCW 43.24.086.

The department may also require the petitioning or protesting party to give security, in such sum as the department deems proper but not in any event to exceed one thousand dollars, for the payment of such costs as may be incurred in conducting the hearing as required under this chapter. The security may be given in the form of a bond or stipulation or other undertaking with one or more sureties.

At the conclusion of the hearing, the department shall assess, in equal shares, each of the parties to the hearing for the cost of conducting the hearing. Upon receipt of payment of the costs, the department shall refund and return to the petitioning party such excess funds, if any, initially posted by the party as security for the hearing costs. If the petitioning party provided security in the form of a bond or other undertaking with one or more sureties, the bond or other undertaking shall then be exonerated and the surety or sureties under it discharged.

[1994 c 274 § 8; 1989 c 415 § 19. Formerly RCW 46.96.130.]

RCW 46.96.900 Severability--1989 c 415.

Applicable Cases

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

[1989 c 415 § 22.]

**Chapter 46.98 RCW
CONSTRUCTION**

RCW

46.98.010	Continuation of existing law.
46.98.020	Provisions to be construed in pari materia.
46.98.030	Title, chapter, section headings not part of law.
46.98.040	Invalidity of part of title not to affect remainder.
46.98.041	Severability--1963 ex.s. c 3.
46.98.042	Severability--1965 ex.s. c 170.
46.98.043	Severability--1969 ex.s. c 281.
46.98.050	Repeals and saving--1961 c 12.
46.98.060	Emergency--1961 c 12.

RCW 46.98.010 Continuation of existing law.

Applicable Cases

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

[1961 c 12 § 46.98.010.]

RCW 46.98.020 Provisions to be construed in pari materia.

Applicable Cases

The provisions of this title shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 47 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

[1961 c 12 § 46.98.020.]

RCW 46.98.030 Title, chapter, section headings not part of law.

Applicable Cases

Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

[1961 c 12 § 46.98.030.]

RCW 46.98.040 Invalidity of part of title not to affect remainder.

Applicable Cases

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

[1961 c 12 § 46.98.040.]

RCW 46.98.041 Severability--1963 ex.s. c 3.

Applicable Cases

See RCW 47.98.041.

RCW 46.98.042 Severability--1965 ex.s. c 170.

Applicable Cases

See RCW 47.98.042.

RCW 46.98.043 Severability--1969 ex.s. c 281.

Applicable Cases

See RCW 47.98.045.

RCW 46.98.050 Repeals and saving--1961 c 12.

Applicable Cases

See 1961 c 12 § 46.98.050.

RCW 46.98.060 Emergency--1961 c 12.

Applicable Cases

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

[1961 c 12 § 46.98.060.]

Title 47
PUBLIC HIGHWAYS AND TRANSPORTATION

RCW

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Chapter 47.01 RCW

DEPARTMENT OF TRANSPORTATION

RCW

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Mt. St. Helens eruption, facilitating recovery from--Scope of state agency action: RCW 43.01.210.

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generally: RCW 46.68.120.

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population, road cost, money need, computed--Allocation percentage adjustment, when: RCW 46.68.124.

Traffic safety commission, secretary of transportation member of: RCW 43.59.030.

Trails system, Washington state recreation, department of transportation participation: RCW 79A.35.120.

RCW 47.01.011 Legislative declaration.

Applicable Cases

The legislature hereby recognizes the following imperative needs within the state: To create a state-wide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the *planning and community affairs agency.

[1977 ex.s. c 151 § 1.]

Notes:

***Reviser's note:** "Planning and community affairs agency" means "department of community, trade, and economic development."

RCW 47.01.021 Definitions.

Applicable Cases

As used in this title unless the context indicates otherwise:

- (1) "Department" means the department of transportation created in RCW 47.01.031;
- (2) "Commission" means the transportation commission created in RCW 47.01.051;
- (3) "Secretary" means the secretary of transportation as provided for in RCW 47.01.041.

[1977 ex.s. c 151 § 2.]

Notes:

Additional definitions: RCW 47.04.010.

RCW 47.01.031 Department created--Transfer of powers, duties, and functions.

Applicable Cases

(1) There is created a department of state government to be known as the department of transportation.

(2) All powers, duties, and functions vested by law in the department of highways, the state highway commission, the director of highways, the Washington toll bridge authority, the aeronautics commission, the director of aeronautics, and the canal commission, and the transportation related powers, duties, and functions of the **planning and community affairs agency, are transferred to the jurisdiction of the department, except those powers, duties, and functions which are expressly directed elsewhere in *this or in any other act of the 1977 legislature.

(3) The board of pilotage commissioners is transferred to the jurisdiction of the department for its staff support and administration: PROVIDED, That nothing in this section shall be construed as transferring any policy making powers of the board of pilotage commissioners to the transportation commission or the department of transportation.

[1988 c 167 § 11; 1977 ex.s. c 151 § 3.]

Notes:

Reviser's note: *(1) For contents of "this act" [1977 ex.s. c 151], see note following RCW 47.98.070.

** (2) The "planning and community affairs agency" has been renamed the "department of community, trade, and economic development."

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.01.041 Secretary of transportation--Appointment, salary, removal.

Applicable Cases

The executive head of the department of transportation shall be the secretary of transportation, who shall be appointed by the transportation commission, and shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The secretary shall be an ex officio member of the commission without a vote. The secretary shall be the chief executive officer of the commission and be responsible to it, and shall be guided by policies established by it. The secretary shall serve until removed by the commission, but only for incapacity, incompetence, neglect of duty, malfeasance in office, or failure to carry out the commission's policies. Before a motion for dismissal shall be acted on by the commission, the secretary shall be granted a hearing on formal written charges before the full commission. An action by the commission to remove the secretary shall be final.

[1983 1st ex.s. c 53 § 28; 1977 ex.s. c 151 § 4.]

Notes:

Severability--1983 1st ex.s. c 53: See note following RCW 47.10.802.

RCW 47.01.051 Commission created--Appointment of members--Terms--Qualifications--Removal.

Applicable Cases

There is hereby created a transportation commission, which shall consist of seven members appointed by the governor, with the consent of the senate. The present five members of the highway commission shall serve as five initial members of the transportation commission until their terms of office as highway commission members would have expired. The additional two members provided herein for the transportation commission shall be appointed for initial terms to expire on June 30, 1982, and June 30, 1983. Thereafter all terms shall be for six years. No elective state official or state officer or state employee shall be a member of the commission, and not more than four members of the commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. At the time of appointment or thereafter during their respective terms of office, four members of the commission shall reside in the western part of the state and three members shall reside in the eastern part of the state as divided north and south by the summit of the Cascade mountains. No more than two members of the commission shall reside in the same county. Commissioners shall not be removed from office by the governor before the expiration of their terms unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. No member shall be appointed for more than two consecutive terms.

[1977 ex.s. c 151 § 5.]

RCW 47.01.061 Commission--Procedures and internal operations.

Applicable Cases

The commission shall meet at such times as it deems advisable but at least once every month. It may adopt its own rules and regulations and may establish its own procedure. It shall act collectively in harmony with recorded resolutions or motions adopted by majority vote of at least four members. The commission may appoint an administrative secretary, and shall elect one of its members chairman for a term of one year. The chairman shall be able to vote on all matters before the commission. The commission may from time to time retain planners, consultants, and other technical personnel to advise it in the performance of its duties.

The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

Each member of the commission shall be compensated in accordance with RCW

43.03.250 and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

[1987 c 364 § 2; 1984 c 287 § 94; 1983 1st ex.s. c 53 § 29; 1981 c 59 § 1; 1977 ex.s. c 151 § 6.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.
Severability--1983 1st ex.s. c 53: See note following RCW 47.10.802.

RCW 47.01.070 Director's and commissioner's prior assignments may be delegated.

Applicable Cases

In all situations wherein the director of highways, the director of aeronautics or any one of their designees, or any member of the highway commission, the toll bridge authority, the aeronautics commission, or the canal commission or any one of their designees was on September 21, 1977, designated or serving as a member of any board, commission, committee, or authority, the chairman of the transportation commission or the chairman's designee who shall be an employee of the department of transportation, shall hereafter determine who shall serve as such member.

[1977 ex.s. c 151 § 27; 1961 c 13 § 47.01.070. Prior: 1951 c 247 § 5. Formerly RCW 43.27.120.]

RCW 47.01.071 Commission--Functions, powers, and duties.

Applicable Cases

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to assure the development and maintenance of a comprehensive and balanced state-wide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings,

submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the state-wide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced state-wide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session. The plan shall be reviewed and revised prior to each regular session of the legislature during an even-numbered year thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(5) To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(6) To review and authorize all departmental requests for legislation;

(7) To approve the issuance and sale of all bonds authorized by the legislature for capital

construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(8) To adopt such rules, regulations, and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(9) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

[1981 c 59 § 2; 1980 c 87 § 45; 1977 ex.s. c 151 § 7.]

Notes:

Powers, duties, and studies by legislative transportation committee: RCW 44.40.020.

RCW 47.01.081 Department--Organization--Management personnel.

Applicable Cases

(1) Initially the department shall be organized into divisions, including the division of highways, the division of public transportation, the division of aeronautics, the division of marine transportation, and the division of transportation planning and budget.

(2) The secretary may reorganize divisions in order to attain the maximum possible efficiency in the operation of the department. Each division shall be headed by an assistant secretary to be appointed by the secretary. The secretary may also appoint a deputy secretary as may be needed for the performance of the duties and functions vested in the department and may also appoint up to twelve ferry system management positions as defined in RCW 47.64.011. The secretary may delegate to officers within the several divisions of the department authority to employ personnel necessary to discharge the responsibilities of the department.

(3) The officers appointed under this section shall be exempt from the provisions of the state civil service law and shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

[1984 c 48 § 1; 1977 ex.s. c 151 § 8.]

RCW 47.01.091 Advisory councils.

Applicable Cases

The secretary shall establish such advisory councils as are necessary to carry out the purposes of *this 1977 amendatory act, and to insure adequate public participation in the planning and development of transportation facilities. Members of such councils shall serve at the pleasure of the secretary and may receive per diem and necessary expenses, in accordance with RCW 43.03.050 and 43.03.060, as now or hereafter amended.

[1977 ex.s. c 151 § 9.]

Notes:

***Reviser's note:** For codification of "this 1977 amendatory act" [1977 ex.s. c 151], see note following RCW 47.98.070.

RCW 47.01.101 Secretary--Authority and duties.

Applicable Cases

The secretary shall have the authority and it shall be his or her duty, subject to policy guidance from the commission:

(1) To serve as chief executive officer of the department with full administrative authority to direct all its activities;

(2) To organize the department as he or she may deem necessary to carry out the work and responsibilities of the department effectively;

(3) To designate and establish such transportation district or branch offices as may be necessary or convenient, and to appoint assistants and delegate any powers, duties, and functions to them or any officer or employee of the department as deemed necessary to administer the department efficiently;

(4) To direct and coordinate the programs of the various divisions of the department to assure that they achieve the greatest possible mutual benefit, produce a balanced overall effort, and eliminate unnecessary duplication of activity;

(5) To adopt all department rules that are subject to the adoption procedures contained in the state administrative procedure act, except rules subject to adoption by the commission pursuant to statute;

(6) To maintain and safeguard the official records of the department, including the commission's recorded resolutions and orders;

(7) To provide full staff support to the commission to assist it in carrying out its functions, powers, and duties and to execute the policy established by the commission pursuant to its legislative authority;

(8) To execute and implement the biennial operating budget for the operation of the department in accordance with chapter 43.88 RCW and with legislative appropriation and, in such manner as prescribed therein, to make and report to the commission and the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, deviations from the planned biennial category A and H highway construction programs necessary to adjust to unexpected delays or other unanticipated circumstances.

(9) To exercise all other powers and perform all other duties as are now or hereafter provided by law.

[1987 c 505 § 48; 1987 c 179 § 1; 1983 1st ex.s. c 53 § 30; 1977 ex.s. c 151 § 10.]

Notes:

Reviser's note: This section was amended by 1987 c 179 § 1 and by 1987 c 505 § 48, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2).

For rule of construction, see RCW 1.12.025(1).

Severability--1983 1st ex.s. c 53: See note following RCW 47.10.802.

Regulations governing parking facilities: RCW 46.61.577.

RCW 47.01.131 Continuation of state services to department.

Applicable Cases

All state officials required to maintain contact with or provide services for any of the departments or agencies whose functions are transferred by RCW 47.01.031 shall continue to perform such services for the department of transportation unless otherwise directed by this title.

[1977 ex.s. c 151 § 18.]

RCW 47.01.141 Biennial report.

Applicable Cases

The department shall submit a biennial report to the governor and chairs of the transportation committees of the senate and house of representatives with a copy to the staff of each of the committees, including but not limited to operational and construction activities of the preceding fiscal period as the department deems important and recommendations for future operations of the department.

[1987 c 505 § 49; 1984 c 7 § 75; 1977 c 75 § 68; 1973 2nd ex.s. c 12 § 1.]

Notes:

Severability--1984 c 7: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."
[1984 c 7 § 389.]

RCW 47.01.145 Study reports available to legislators upon request.

Applicable Cases

Whenever a study report prepared by the department for the legislative transportation committee is made available to the committee or its members, the report shall, upon request, be made available to any member of the Washington state legislature.

[1984 c 7 § 76; 1971 ex.s. c 195 § 6; 1967 ex.s. c 145 § 78.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

Budget, plan for highway development: Chapter 47.05 RCW.

RCW 47.01.170 Right of entry.

Applicable Cases

The department or its duly authorized and acting assistants, agents, or appointees have the right to enter upon any land, real estate, or premises in this state, whether public or private, for purposes of making examinations, locations, surveys, and appraisals for highway purposes. The making of any such entry for those purposes does not constitute any trespass by the department or by its duly authorized and acting assistants, agents, or appointees.

[1984 c 7 § 77; 1961 c 13 § 47.01.170. Prior: 1945 c 176 § 1; Rem. Supp. 1945 § 6400-3f. Formerly RCW 43.27.030.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.180 Roads and bridges in state parks.

Applicable Cases

The department is authorized at the request of, and upon plans approved by the state parks and recreation commission, to construct and maintain vehicular roads, highways, and bridges within the limits of the several state parks.

[1984 c 7 § 78; 1961 c 13 § 47.01.180. Prior: 1943 c 253 § 1; Rem. Supp. 1943 § 6402-35. Formerly RCW 43.27.040.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.190 State aid engineer.

Applicable Cases

The secretary shall appoint, with the approval of the governor, a qualified assistant to be designated as "state aid engineer" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets.

[1984 c 7 § 79; 1961 c 13 § 47.01.190. Prior: 1949 c 220 § 2; Rem. Supp. 1949 § 4600-3g. Formerly RCW 43.27.050.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.210 Contract without bid or bond with public utilities and municipal corporations.

Applicable Cases

It is lawful for the department to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of the department, the interest of the public will be best served.

[1984 c 7 § 80; 1961 c 13 § 47.01.210. Prior: 1955 c 84 § 1; 1953 c 100 § 1. Formerly RCW 43.27.105.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.01.230 Powers relating to toll bridges and facilities and state ferries.

Applicable Cases

See RCW 47.56.030.

RCW 47.01.240 Coordination of long-range needs studies.

Applicable Cases

The department and the transportation improvement board shall coordinate their activities relative to long-range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long-range needs data may be developed and maintained on an integrated and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the department in such form and extent as requested by the department, after consultation with the county road administration board and the association of Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads, and streets in Washington.

[1988 c 167 § 12; 1984 c 7 § 82; 1971 ex.s. c 195 § 10.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1971 ex.s. c 195: See note following RCW 44.40.010.

RCW 47.01.250 Consultation with designated state officials.

Applicable Cases

The chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing are designated as official consultants to the transportation commission so that the goals and activities of their respective agencies which relate to transportation are fully coordinated with other related responsibilities of the department of transportation. In this capacity, the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the transportation commission and the secretary of transportation on the implications and impacts on the transportation related functions and duties of their respective agencies of any proposed comprehensive transportation plan, program, or policy.

In order to develop fully integrated, balanced, and coordinated transportation plans, programs, and budgets the chief of the Washington state patrol, the director of the traffic safety commission, the executive director of the county road administration board, and the director of licensing shall consult with the secretary of transportation on the matter of relative priorities during the development of their respective agencies' plans, programs, and budgets as they pertain to transportation activities.

[1998 c 245 § 92; 1990 c 266 § 5; 1979 c 158 § 204; 1977 ex.s. c 151 § 26.]

Notes:

Identification of environmental costs of transportation projects--Pilot project--1993 c 59: "Recognizing the importance of maintaining the quality of life in Washington state, the citizens of this state demand protection and preservation of our scarce natural resources. Citizens also demand an efficient and effective

transportation system. The departments of transportation, ecology, fisheries, and wildlife and the Puget Sound water quality authority have worked jointly to develop cooperative approaches for mitigating environmental impacts resulting from transportation projects. Nevertheless, many transportation projects are costing more than was budgeted due to unanticipated and extensive environmental considerations. It is the intent of the legislature to find a process for accessing, budgeting, and accounting for environmental costs related to significant transportation projects in order to determine whether the environmental costs exceed the transportation benefits of a project.

Therefore, the department of transportation shall undertake a pilot program in at least one transportation district that will serve as a case study for the entire department. The department shall identify and cost out the discrete environmental elements of a representative sampling of transportation projects. The environmental elements should include, but not necessarily be limited to, wetlands, storm water, hazardous waste, noise, fish, and wildlife. The department shall also consider an assessment of the cost impacts resulting from delays associated with permitting requirements.

It is the intent of the legislature that the environmental cost estimates be developed during a detailed scoping process that will include preliminary engineering and design. After the detailed scoping process and design report is complete, the department shall submit project-specific recommendations and cost estimates to the transportation commission before approval is granted for the construction phase of the projects.

Based upon the findings of the pilot program the transportation commission shall recommend policies to the legislative transportation committee regarding: (1) The current practice of appropriating design and construction dollars simultaneously; (2) identification of reasonable thresholds for environmental costs; (3) budget and accounting modifications that may be warranted in order to accurately capture environmental costs associated with transportation projects; and (4) modification to the priority array statutes, chapter 47.05 RCW." [1993 c 59 § 1.]

RCW 47.01.260 Authority of department.

Applicable Cases

(1) The department of transportation shall exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, locating, designing, constructing, improving, repairing, operating, and maintaining state highways, including bridges and other structures, culverts, and drainage facilities and channel changes necessary for the protection of state highways, and shall examine and allow or disallow bills for any work or services performed or materials, equipment, or supplies furnished.

(2) Subject to the limitations of RCW 4.24.115, the department, in the exercise of any of its powers, may include in any authorized contract a provision for indemnifying the other contracting party against specific loss or damages arising out of the performance of the contract.

(3) The department is authorized to acquire property as provided by law and to construct and maintain thereon any buildings or structures necessary or convenient for the planning, design, construction, operation, maintenance, and administration of the state highway system and to acquire property and to construct and maintain any buildings, structures, appurtenances, and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon state highways.

(4) The department is authorized to engage in planning surveys and may collect, compile, and analyze statistics and other data relative to existing and future highways and highway needs throughout the state, and shall conduct research, investigations, and testing as it deems necessary to improve the methods of construction and maintenance of highways and bridges.

[1983 c 29 § 1; 1979 ex.s. c 58 § 1.]

RCW 47.01.270 Radioactive or hazardous cargo, notice of prohibition.

Applicable Cases

The department of transportation shall adopt regulations to establish procedures for giving notice to transporters of placarded radioactive or hazardous cargo of times when transportation of such cargo is prohibited.

[1983 c 205 § 2.]

Notes:

Transportation of radioactive or hazardous cargo, prohibited, when: RCW 47.48.050.

RCW 47.01.280 Application for improvements to existing highways.

Applicable Cases

(1) Upon receiving an application for improvements to an existing state highway or highways pursuant to RCW 43.160.074 from the community economic revitalization board, the transportation commission shall, in a timely manner, determine whether or not the proposed state highway improvements:

- (a) Meet the safety and design criteria of the department of transportation;
- (b) Will impair the operational integrity of the existing highway system;
- (c) Will affect any other improvements planned by the department; and
- (d) Will be consistent with its policies developed pursuant to RCW 47.01.071.

(2) Upon completion of its determination of the factors contained in subsection (1) of this section and any other factors it deems pertinent, the transportation commission shall forward its approval, as submitted or amended or disapproval of the proposed improvements to the board, along with any recommendation it may wish to make concerning the desirability and feasibility of the proposed development. If the transportation commission disapproves any proposed improvements, it shall specify its reasons for disapproval.

(3) Upon notification from the board of an application's approval pursuant to RCW 43.160.074, the transportation commission shall direct the department of transportation to carry out the improvements in coordination with the applicant.

(4) The transportation commission shall notify the legislative transportation committee of all state highway improvements to be carried out pursuant to RCW 43.160.074 and this section.

[1999 c 94 § 10; 1985 c 433 § 6.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Nonseverability--1985 c 433: See note following RCW 43.160.074.

RCW 47.01.290 Environmental review of transportation projects.

Applicable Cases

The legislature recognizes that environmental review of transportation projects is a continuous process that should begin at the earliest stages of planning and continue through final project construction. Early and extensive involvement of the relevant environmental regulatory

authorities is critical in order to avoid significant changes in substantially completed project design and engineering. It is the expectation of the legislature that if a comprehensive environmental approach is integrated throughout various transportation processes, onerous, duplicative, and time-consuming permit processes will be minimized.

[1994 c 258 § 3; 1993 c 55 § 1.]

Notes:

Captions not law--1994 c 258: See note following RCW 36.70A.420.
State-wide transportation planning: Chapter 47.06 RCW.

RCW 47.01.300 Environmental review of transportation projects--Cooperation with other environmental regulatory authorities.

Applicable Cases

The department shall, in cooperation with environmental regulatory authorities:

(1) Identify and document environmental resources in the development of the state-wide multimodal plan under RCW 47.06.040;

(2) Allow for public comment regarding changes to the criteria used for prioritizing projects under chapter 47.05 RCW before final adoption of the changes by the commission;

(3) Use an environmental review as part of the project prospectus identifying potential environmental impacts, mitigation, and costs during the early project identification and selection phase, submit the prospectus to the relevant environmental regulatory authorities, and maintain a record of comments and proposed revisions received from the authorities;

(4) Actively work with the relevant environmental regulatory authorities during the design alternative analysis process and seek written concurrence from the authorities that they agree with the preferred design alternative selected;

(5) Develop a uniform methodology, in consultation with relevant environmental regulatory authorities, for submitting plans and specifications detailing project elements that impact environmental resources, and proposed mitigation measures, to the relevant environmental regulatory authorities during the preliminary specifications and engineering phase of project development;

(6) Screen construction projects to determine which projects will require complex or multiple permits. The permitting authorities shall develop methods for initiating review of the permit applications for the projects before the final design of the projects;

(7) Conduct special prebid meetings for those projects that are environmentally complex; and

(8) Review environmental considerations related to particular projects during the preconstruction meeting held with the contractor who is awarded the bid.

[1994 c 258 § 4.]

Notes:

Captions not law--1994 c 258: See note following RCW 36.70A.420.

RCW 47.01.900 Commute trip reduction program--Transfer from state energy

office--References to director or state energy office.

Applicable Cases

(1) All powers, duties, and functions of the state energy office pertaining to the commute trip reduction program are transferred to the department of transportation. All references to the director or the state energy office in the Revised Code of Washington shall be construed to mean the secretary or the department of transportation when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state energy office pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of transportation. All cabinets, furniture, office equipment, software, data base, motor vehicles, and other tangible property employed by the state energy office in carrying out the powers, functions, and duties transferred shall be made available to the department of transportation. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of transportation.

(b) Any appropriations made to the state energy office for carrying out the powers, functions, and duties transferred shall, on July 1, 1996, be transferred and credited to the department of transportation.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state energy office engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of transportation. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of transportation to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state energy office pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of transportation. All existing contracts and obligations, excluding personnel contracts and obligations, shall remain in full force and shall be performed by the department of transportation.

(5) The transfer of the powers, duties, functions, and personnel of the state energy office shall not affect the validity of any act performed before July 1, 1996.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

[1998 c 245 § 93; 1996 c 186 § 301.]

Notes:

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

**Chapter 47.02 RCW
DEPARTMENT BUILDINGS**

RCW

47.02.010	Buildings on east capitol site authorized--Financing.
47.02.020	Issuance and sale of limited obligation bonds.
47.02.030	Bonds--Term--Terms and conditions.
47.02.040	Bonds--Signatures--Registration--Where payable--Negotiable instruments.
47.02.050	Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.
47.02.060	Bonds--Bond proceeds--Deposit and use.
47.02.070	Bonds--Statement describing nature of obligation--Pledge of excise taxes.
47.02.080	Bonds--Designation of funds to repay bonds and interest.
47.02.090	Bonds--Repayment procedure--Highway bond retirement fund.
47.02.100	Bonds--Sums in excess of retirement requirements--Use.
47.02.110	Bonds--Appropriation from motor vehicle fund.
47.02.120	District 1 headquarters bonds--Issuance and sale.
47.02.130	District 1 headquarters bonds--Uses of proceeds.
47.02.140	District 1 headquarters bonds--Duties of state finance committee.
47.02.150	District 1 headquarters bonds--Proceeds, deposit and use.
47.02.160	District 1 headquarters bonds--Statement of general obligation--Pledge of excise taxes.
47.02.170	District 1 headquarters bonds--Repayment procedure--Designated funds.
47.02.190	District 1 headquarters bonds--Equal charges against certain revenues.

RCW 47.02.010 Buildings on east capitol site authorized--Financing.

Applicable Cases

The department is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories, and facilities on the east capitol site for the use of the commission and the department and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests, or grants or by such additional funds as the legislature may provide.

[1984 c 7 § 83; 1977 ex.s. c 235 § 14; 1965 ex.s. c 167 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.02.020 Issuance and sale of limited obligation bonds.

Applicable Cases

In order to finance the immediate acquisition and construction of the buildings and facilities referred to in RCW 47.02.010 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million dollars, or such amount thereof and at such

times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

[1965 ex.s. c 167 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.02.030 Bonds--Term--Terms and conditions.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance with such reserved rights of prior redemption, bearing such interest, and such terms and conditions as the state finance committee may prescribe, to be specified therein.

[1965 ex.s. c 167 § 3.]

RCW 47.02.040 Bonds--Signatures--Registration--Where payable--Negotiable instruments.

Applicable Cases

The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bond shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1965 ex.s. c 167 § 4.]

RCW 47.02.050 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of

the funds of the state, except the permanent school fund.

[1965 ex.s. c 167 § 5.]

RCW 47.02.060 Bonds--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition of the land and construction of the buildings and facilities referred to in RCW 47.02.010, and for payment of the expenses incurred in the drafting, printing, issuance and sale of any such bonds.

[1965 ex.s. c 167 § 6.]

RCW 47.02.070 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter.

[1965 ex.s. c 167 § 7.]

Notes:

***Reviser's note:** Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33; for later enactment, see chapter 82.38 RCW.

RCW 47.02.080 Bonds--Designation of funds to repay bonds and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 84; 1965 ex.s. c 167 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.02.090 Bonds--Repayment procedure--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1965 ex.s. c 167 § 9.]

RCW 47.02.100 Bonds--Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1965 ex.s. c 167 § 10.]

RCW 47.02.110 Bonds--Appropriation from motor vehicle fund.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of four million dollars, or so much thereof as may be necessary to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

[1965 ex.s. c 167 § 11.]

RCW 47.02.120 District 1 headquarters bonds--Issuance and sale.

Applicable Cases

For the purpose of providing funds for the acquisition of headquarters facilities for

district 1 of the department of transportation and costs incidental thereto, together with all improvements and equipment required to make the facilities suitable for the department's use, there shall be issued and sold upon the request of the Washington transportation commission a total of fifteen million dollars of general obligation bonds of the state of Washington.

[1990 c 293 § 1.]

Notes:

Severability--1990 c 293: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 293 § 10.]

RCW 47.02.130 District 1 headquarters bonds--Uses of proceeds.

Applicable Cases

Authorized uses of proceeds from the sale of bonds authorized in RCW 47.02.120 through 47.02.190 include but are not limited to repayment to the motor vehicle fund for the initial financing of the headquarters facilities.

[1999 c 94 § 11; 1990 c 293 § 2.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.140 District 1 headquarters bonds--Duties of state finance committee.

Applicable Cases

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.02.120 through 47.02.190 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.02.120 through 47.02.190 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. Except for the purpose of repaying the loan from the motor vehicle fund, no such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1990 c 293 § 3.]

Notes:

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.150 District 1 headquarters bonds--Proceeds, deposit and use.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 47.02.120 through 47.02.190

shall be available only for the purposes enumerated in RCW 47.02.120 and 47.02.130; for the payment of bond anticipation notes, if any; and for the payment of bond issuance costs, including the costs of underwriting. Proceeds shall be deposited in the motor vehicle fund.

[1999 c 94 § 12; 1990 c 293 § 4.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.160 District 1 headquarters bonds--Statement of general obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the authority of RCW 47.02.120 through 47.02.190 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.02.120 through 47.02.190 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.02.120 through 47.02.190, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.02.120 through 47.02.190.

[1995 c 274 § 5; 1990 c 293 § 5.]

Notes:

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.170 District 1 headquarters bonds--Repayment procedure--Designated funds.

Applicable Cases

Both principal and interest on the bonds issued for the purposes of RCW 47.02.120 through 47.02.190 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.02.120 through 47.02.190 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state under RCW 46.68.130. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state,

counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state under RCW 46.68.130 proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1990 c 293 § 6.]

Notes:

Severability--1990 c 293: See note following RCW 47.02.120.

RCW 47.02.190 District 1 headquarters bonds--Equal charges against certain revenues.

Applicable Cases

Bonds issued under the authority of RCW 47.02.120 through *47.02.180 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1990 c 293 § 8.]

Notes:

***Reviser's note:** RCW 47.02.180 was repealed by 1999 c 94 § 33, effective July 1, 1999.

Severability--1990 c 293: See note following RCW 47.02.120.

**Chapter 47.04 RCW
GENERAL PROVISIONS**

RCW

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Notes:

Mobile home movement permits and decals: RCW 46.44.170, 46.44.175.

RCW 47.04.010 Definitions.

Applicable Cases

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

(18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(19) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

(20) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

(21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

(22) "Pedestrian." Any person afoot;

(23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

(24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner,

but not by other persons;

(26) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(29) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(30) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

(31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

(32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

(33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(34) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

(37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

(39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(40) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by

which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

[1975 c 62 § 50; 1967 ex.s. c 145 § 42; 1961 c 13 § 47.04.010. Prior: 1937 c 53 § 1; RRS § 6400-1.]

Notes:

Severability--1975 c 62: See note following RCW 36.75.010.

Aeronautics, definitions relating to: RCW 47.68.020.

Canal, defined: RCW 47.72.060.

Department, commission, secretary--Defined: RCW 47.01.021.

Ferry workers, marine employees, definitions relating to: RCW 47.64.011.

Junkyards, definitions relating to: RCW 47.41.020.

Limited access facilities, definitions relating to: RCW 46.52.010.

Signs and scenic vistas, definitions relating to: RCW 47.42.020.

Toll bridges, roads, definitions relating to: RCW 47.56.010.

Urban arterials, definitions relating to: RCW 47.26.040, 47.26.090, 47.26.100, 47.26.110.

Urban public transportation systems--Defined: RCW 47.04.082.

RCW 47.04.015 Change of meaning, certain terms.

Applicable Cases

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "Washington state highway commission", "the state highway commission", "the highway commission", "the commission" (when referring to the Washington state highway commission), "the department of highways", "Washington toll bridge authority", or "the authority" (when referring to the Washington toll bridge authority) is used, it shall mean the department of transportation created in RCW 47.01.031.

Wherever in Title 47 RCW or in any provision in the Revised Code of Washington the term "director of highways" is used, it shall mean the secretary of transportation, whose office is created in RCW 47.01.041.

[1977 ex.s. c 151 § 23.]

RCW 47.04.020 Classification of highways.

Applicable Cases

All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior distinctions between highways as primary

or secondary are hereby abolished. All powers granted to, or duties imposed upon, the department with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are hereby declared to be county roads.

[1984 c 7 § 85; 1967 ex.s. c 145 § 41; 1963 c 24 § 3; 1961 c 13 § 47.04.020. Prior: 1937 c 207 § 1; RRS § 6402-1; 1937 c 53 § 5; RRS § 6400-5; 1913 c 65 § 1; RRS § 6790.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Highway designation system--Signs: RCW 47.36.095.

RCW 47.04.040 Title to rights of way vested in state.

Applicable Cases

Upon and after April 1, 1937, all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the department of transportation.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right of way thereof.

[1979 ex.s. c 30 § 7; 1961 c 13 § 47.04.040. Prior: 1937 c 53 § 29; RRS § 6400-29.]

RCW 47.04.050 Acceptance of federal acts.

Applicable Cases

The state of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the state of Washington.

[1961 c 13 § 47.04.050. Prior: 1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.]

RCW 47.04.060 Administration of federal grants.

Applicable Cases

The department is authorized and directed to act for and on behalf of the state of Washington, and any political subdivision of the state, in all things pertaining to the selection, construction, and maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of transportation or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road, or city or town street selected by law for construction or improvement through an appropriation for the period in which the construction or improvement is to be made. The money shall be added to and expended in connection with the appropriation aforesaid; and shall apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road, or street fund of any political subdivision, and which are available for the construction and maintenance of any section of state highway, county road, or city or town street selected as aforesaid for such aid and improvement.

[1984 c 7 § 86; 1961 c 13 § 47.04.060. Prior: 1937 c 53 § 47; RRS § 6400-47; 1917 c 76 § 5, part; RRS § 6848, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.070 Conformity with federal requirements.

Applicable Cases

In all matters relating to the cooperative construction or improvement of any state highway, county road, or city or town street for which federal funds or aid is secured under any act of congress, the department shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of transportation or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the department as may be necessary.

[1984 c 7 § 87; 1961 c 13 § 47.04.070. Prior: 1937 c 53 § 44; RRS § 6400-44; 1917 c 76 § 5, part; RRS § 6848, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.080 Joint action with other governments and agencies.

Applicable Cases

The department is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such

structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

[1984 c 7 § 88; 1973 1st ex.s. c 151 § 11; 1961 c 13 § 47.04.080. Prior: 1937 c 53 § 47 1/2; RRS § 6400-47 1/2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.081 Urban public transportation systems--Participation in planning, development, and establishment.

Applicable Cases

The department is empowered to join financially or otherwise with any public agency or any county, city, or town in the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development, and establishment of urban public transportation systems in conjunction with new or existing highway facilities.

[1984 c 7 § 89; 1967 c 108 § 13; 1965 ex.s. c 170 § 63.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.04.082 Urban public transportation systems--Defined.

Applicable Cases

As used in this act the term "urban public transportation system" shall mean a system for the public transportation of persons or property by buses, street cars, trains, electric trolley coaches, other public transit vehicles, or any combination thereof operating in or through predominantly urban areas and owned and operated by the state, any city or county or any municipal corporation of the state, including all structures, facilities, vehicles and other property rights and interest forming a part of such a system.

[1967 c 108 § 1.]

Notes:

Reviser's note: The term "this act" refers to 1967 c 108, codified as RCW 47.04.082, 47.04.083, 47.98.044, and the 1967 amendments to RCW 47.04.081, 47.08.070, 47.12.010, 47.12.250, 47.28.140, 47.44.010, 47.44.040, 47.48.010, 47.52.010, 47.52.090, and 47.56.256.

RCW 47.04.083 Urban public transportation systems--Declaration of public policy--Use of motor vehicle, city street, or county road funds.

Applicable Cases

The separate and uncoordinated development of public highways and urban public transportation systems is wasteful of this state's natural and financial resources. It is the public policy of this state to encourage wherever feasible the joint planning, construction and maintenance of public highways and urban public transportation systems serving common

geographical areas as joint use facilities. To this end the legislature declares it to be a highway purpose to use motor vehicle funds, city and town street funds or county road funds to pay the full proportionate highway, street or road share of the costs of design, right of way acquisition, construction and maintenance of any highway, street or road to be used jointly with an urban public transportation system.

[1967 c 108 § 2.]

RCW 47.04.090 Penalty.

Applicable Cases

It is a misdemeanor for any person to violate any of the provisions of this title unless specifically provided otherwise by this title or other law of this state.

Unless another penalty is provided in this title, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished in accordance with chapter 9A.20 RCW.

[1989 c 224 § 2; 1961 c 13 § 47.04.090. Prior: 1937 c 53 § 95; RRS § 6400-95.]

RCW 47.04.100 Temporary route pending construction of new highway--Streets, roads not to be maintained as.

Applicable Cases

Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road may be maintained or improved by the department as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the department.

[1984 c 7 § 90; 1973 1st ex.s. c 151 § 12; 1965 ex.s. c 170 § 34.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.140 Counties obtaining federal aid for construction, reconstruction, etc., of ferry boats or approaches.

Applicable Cases

Whenever a county that operates or proposes to operate ferries obtains federal aid for the construction, reconstruction, or modification of any ferry boat or approaches thereto under Title 23, United States Code, the following provisions apply to the county's operation of its ferries:

(1) The county shall obtain from the department a franchise authorizing the ferry operations. The county's application for a franchise or amended franchise shall designate all ferry routes it proposes to operate. The department shall issue the franchise or amended franchise for the operation of each route that it finds is not otherwise served by adequate transportation facilities. A county may terminate any ferry route without approval of the department.

(2) At least ninety days before applying for federal aid for the construction, reconstruction, or modification of any of its ferries or approaches thereto, and thereafter whenever new tolls or charges are proposed for use of its ferries, the county shall file with the

department, the current or proposed schedule of tolls and charges for use of its ferries. Such tolls and charges shall be deemed approved by the department unless it finds that the aggregate revenues to be derived from the county's ferry operations will exceed the amount required to pay the actual and necessary costs of operation, maintenance, administration, and repair of the county's ferries and their appurtenances.

[1989 c 62 § 1; 1984 c 7 § 91; 1975-'76 2nd ex.s. c 65 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.04.150 Outstanding bonds--Savings.

Applicable Cases

While any bonds, whether definitive, temporary, or interim, or warrants, certificates, or receipts of any denomination, with or without coupons attached heretofore issued by the state aeronautics commission, the toll bridge authority, the highway commission, or any of the other agencies whose functions are transferred to the department of transportation by RCW 47.01.031, remain outstanding, the powers and duties relating thereto of such agencies or of any official or employee thereof transferred by *RCW 47.01.111 to the department of transportation, or any powers and duties of any other state official or state agency with respect to such bonds, warrants, certificates, or receipts shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of such bonds, warrants, certificates, or receipts. The holder of any such bond, warrant, certificate, or receipt may by mandamus or other appropriate proceeding require the performance by the department of transportation, or other appropriate state official or agency, of any of the duties heretofore imposed upon any state department, official, or employee under the terms of any such prior bond, warrant, certificate, or receipt agreement or sale: PROVIDED, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds, warrants, certificates, or receipts.

[1977 ex.s. c 151 § 19.]

Notes:

***Reviser's note:** RCW 47.01.111 was decodified pursuant to 1985 c 6 § 26.

RCW 47.04.160 Lewis and Clark bridge.

Applicable Cases

In commemoration of the 175th anniversary of captains Meriwether Lewis and William Clark's epic journey from Wood River, Illinois, to Cape Disappointment, Washington, and to fully honor the expedition's passing the present location of the city of Longview, Washington, in November, 1805, and to couple this commemoration with the dedication of the bridge from Longview, Washington, to Rainier, Oregon, on March 29, 1930, the official name of this bridge is changed from the Longview-Columbia bridge to the Lewis and Clark bridge.

[1980 c 5 § 1.]

RCW 47.04.170 Federal agreements for public transportation, rail transportation.

Applicable Cases

The department of transportation is authorized to enter into and perform agreements with federal agencies as may be necessary to secure federal grants, loans, or other assistance on its own behalf or on behalf of other public or private recipients for:

- (1) Public transportation purposes, including but not limited to, bus transportation, specialized transportation services for the elderly and handicapped, and ride sharing activities; and
- (2) Rail transportation.

[1985 c 20 § 1.]

RCW 47.04.180 Twenty-four hour headlight policy.

Applicable Cases

On the recommendation of their public works departments or designees, counties or cities can petition the department of transportation to create a "twenty-four hour headlight policy" on state highways in their respective jurisdictions. The department shall develop criteria for approval or disapproval, such as traffic volume, accident statistics, and costs of signs. The department shall notify all counties about this program.

A jurisdiction requesting such a policy shall periodically report to the department regarding its educational efforts. A jurisdiction may petition the department to remove such a policy.

The jurisdiction shall educate its citizens on the "twenty-four hour headlight policy." The department shall place and maintain appropriate signs along the designated highway. Participating jurisdictions shall share in the cost of signing in an amount as determined by the department.

[1998 c 245 § 94; 1989 c 195 § 1.]

RCW 47.04.190 Bicycle transportation management program.

Applicable Cases

(1) The department of transportation is responsible for the initiation, coordination, and operation of a bicycle transportation management program.

(2) To assist in the operation of the bicycle transportation management program, a full-time staff position of state bicycle program manager is established within the department of transportation.

[1991 c 214 § 5.]

Notes:

Bicycle awareness program: RCW 43.43.390.

Pavement marking standards: RCW 47.36.280.

RCW 47.04.200 Bicycle program manager.

Applicable Cases

The state bicycle program manager shall:

- (1) Design programs that encourage the use of bicycling for transportation;
- (2) Coordinate bicycle safety related programs and bicycle tourism programs in all state agencies;
- (3) Assist the department of transportation and the cities and counties of the state in assigning priorities to, programming, and developing bicycle-related projects;
- (4) Serve as a clearinghouse for bicycle program information and resources;
- (5) Provide assistance in revising and updating bicycle material of the superintendent of public instruction and the state patrol;
- (6) Promote the use of bicycle helmets of a type certified to meet the requirements of standard Z-90.4 of the American National Standards Institute or such subsequent nationally recognized standard for bicycle helmet performance; and
- (7) Promote bicycle safety equipment.

[1991 c 214 § 6.]

RCW 47.04.210 Reimbursable transportation expenditures--Processing and accounting.

Applicable Cases

Federal funds that are administered by the department of transportation and are passed through to municipal corporations or political subdivisions of the state and moneys that are received as total reimbursement for goods, services, or projects constructed by the department of transportation are removed from the transportation budget. To process and account for these expenditures a new treasury trust account is created to be used for all department of transportation one hundred percent federal and local reimbursable transportation expenditures. This new account is nonbudgeted and nonappropriated. At the same time, federal and private local appropriations and full-time equivalents in subprograms R2, R3, T6, Y6, and Z2 processed through this new account are removed from the department of transportation's 1997-99 budget.

The department of transportation may make expenditures from the account before receiving federal and local reimbursements. However, at the end of each biennium, the account must maintain a zero or positive cash balance. In the twenty-fourth month of each biennium the department of transportation shall calculate and transfer sufficient cash from either the motor vehicle fund or the transportation fund to cover any negative cash balances. The amount transferred is calculated based on expenditures from each fund. In addition, any interest charges accruing to the new account must be distributed to the motor vehicle fund and the transportation fund.

The department of transportation shall provide an annual report to the legislative transportation committee and the office of financial management on expenditures and full-time equivalents processed through the new account. The report must also include recommendations for process changes, if needed.

[1997 c 94 § 1.]

Notes:

Effective date--1997 c 94: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1997." [1997 c 94 § 4.]

RCW 47.04.220 Miscellaneous transportation programs account.

Applicable Cases

(1) The miscellaneous transportation programs account is created in the custody of the state treasurer.

(2) Moneys from the account may be used only for the costs of:

(a) Miscellaneous transportation services provided by the department that are reimbursed by other public and private entities;

(b) Local transportation projects for which the department is a conduit for federal reimbursement to a municipal corporation or political subdivision; or

(c) Other reimbursable activities as recommended by the legislative transportation committee and approved by the office of financial management.

(3) Moneys received as reimbursement for expenditures under subsection (2) of this section must be deposited into the account.

(4) No appropriation is required for expenditures from this account. This fund is not subject to allotment procedures provided under chapter 43.88 RCW.

(5) Only the secretary of transportation or the secretary's designee may authorize expenditures from the account.

(6) It is the intent of the legislature that this account maintain a zero or positive cash balance at the end of each biennium. Toward this purpose the department may make expenditures from the account before receiving reimbursements under subsection (2) of this section. Before the end of the biennium, the department shall transfer sufficient cash to cover any negative cash balances from the motor vehicle and transportation funds to the miscellaneous transportation programs account for unrecovered reimbursements. The department shall calculate the distribution of this transfer based on expenditures. In the ensuing biennium the department shall transfer the reimbursements received in the miscellaneous transportation programs account back to the motor vehicle and transportation funds to the extent of the cash transferred at biennium end. The department shall also distribute any interest charges accruing to the miscellaneous transportation programs account to the motor vehicle and transportation funds. Adjustments for any indirect cost recoveries may also be made at this time.

(7) The department shall provide an annual report to the legislative transportation committee and the office of financial management on the expenditures and full-time equivalents processed through the miscellaneous transportation programs account. The report must also include recommendations for changes to the process, if needed.

[1997 c 94 § 2.]

Notes:

Effective date--1997 c 94: See note following RCW 47.04.210.

RCW 47.04.230 Findings--Dredge spoils revenues.

Applicable Cases

The legislature finds and declares that the December 19, 1991, Washington state conveyance of the Mt. St. Helens Recovery Program, LT-1 and Cook Ferry Road Sites, to Cowlitz County, should be amended to enable Cowlitz County to use dredge spoils revenues for recreational purposes throughout the county.

The legislature further declares that the department of transportation shall execute sufficient legal release to accomplish the following:

(1) Dredge spoil revenues from either the LT-1 or Cook Ferry Road Site must be dedicated for recreational facilities and recreational administration costs throughout the county;

(2) Any mining excavation must meet the requirements of the Shoreline Management Act of 1971 as identified in chapter 90.58 RCW;

(3) Both the LT-1 and Cook Ferry Road Site must be preserved as a long-term dredging facility;

(4) All other requirements in the December 19, 1991, conveyance between the state of Washington and Cowlitz County will remain in effect; and

(5) The LT-1 and Cook Ferry Road Site remains subject to any agreements with the United States Army Corps of Engineers and other agencies of the federal government.

[1999 c 63 § 1.]

RCW 47.04.240 Public transportation information--Confidentiality.

Applicable Cases

The department, a county, city, town, any other public entity, and any private entity under the public-private transportation initiatives authorized under chapter 47.46 RCW, that provides transit, high-speed ground transportation, high capacity transportation service, ferry service, toll facilities, or other public transportation service or facilities may only use personally identifiable information obtained from the use of electronic toll payments, transit passes, or other fare media such as magnetic strip cards or stored value cards for billing purposes. This information may not be used to track or monitor individual use of the public transportation facilities or service, except for billing purposes and to provide statistical compilations and reports that do not identify an individual.

[1999 c 215 § 2.]

Notes:

Personally identifying transit information exempt from disclosure: RCW 42.17.310.

**Chapter 47.05 RCW
PRIORITY PROGRAMMING FOR HIGHWAY DEVELOPMENT**

RCW	
47.05.010	Declaration of purpose.
47.05.021	Functional classification of highways.
47.05.030	Six-year programs--Investments, improvements, preservation.
47.05.035	Allocation of funds, factors.
47.05.051	Six-year comprehensive investment program--Priority selection criteria--Improvement program criteria--Departure from criteria.
47.05.090	Application of 1993 c 490--Deviations.

RCW 47.05.010 Declaration of purpose.

Applicable Cases

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits and which are systematically scheduled to carry out defined objectives within available revenue.

The priority programming system shall ensure preservation of the existing state highway system, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system shall implement the state-owned highway component of the state-wide multimodal transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions which address identified state highway system deficiencies.

The priority programming system for improvements shall incorporate a broad range of solutions that are identified in the state-wide multimodal transportation plan as appropriate to address state highway system deficiencies including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

[1993 c 490 § 1; 1969 ex.s. c 39 § 1; 1963 c 173 § 1.]

RCW 47.05.021 Functional classification of highways.

Applicable Cases

(1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees,

biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial state-wide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The transportation commission shall designate state highways of state-wide significance under RCW 47.06.140, and shall submit a list of such facilities for adoption by the 1999 legislature. This state-wide system shall include at a minimum interstate highways and other state-wide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This state-wide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

[1998 c 245 § 95; 1998 c 171 § 5; 1993 c 490 § 2; 1987 c 505 § 50; 1979 ex.s. c 122 § 1; 1977 ex.s. c 130 § 1.]

Notes:

Reviser's note: This section was amended by 1998 c 171 § 5 and by 1998 c 245 § 95, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--1979 ex.s. c 122: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 122 § 10.]

Effective dates--1977 ex.s. c 130: "Section 1 of this 1977 act modifying the functional classification of state highways shall apply to the long range plan for highway improvements and to the six year program for highway construction commencing July 1, 1979 and to the preparation thereof and shall take effect July 1, 1977. Section 2 of this 1977 act shall take effect July 1, 1979." [1977 ex.s. c 130 § 3.] "Section 1 of this 1977 act" is codified as RCW 47.05.021; "Section 2 of this 1977 act" repealed RCW 47.05.020.

RCW 47.05.030 Six-year programs--Investments, improvements, preservation.

Applicable Cases

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The needs analysis process shall ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program shall be revised biennially, effective on July 1st of odd-numbered years. The investment program shall be based upon the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program shall consist of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The comprehensive six-year investment program for preservation shall identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program shall consist of investments needed to address identified deficiencies on the state highway system to improve mobility, safety, support for the economy, and protection of the environment. The six-year investment program for improvements shall identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of state-wide significance as defined in RCW 47.06.140.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

[1998 c 171 § 6; 1993 c 490 § 3; 1987 c 179 § 2; 1979 ex.s. c 122 § 2; 1977 ex.s. c 151 § 44; 1975 1st ex.s. c 143 §

1; 1973 2nd ex.s. c 12 § 4; 1969 ex.s. c 39 § 3; 1965 ex.s. c 170 § 33; 1963 c 173 § 3.]

Notes:

Severability--1979 ex.s. c 122: See note following RCW 47.05.021.

RCW 47.05.035 Allocation of funds, factors.

Applicable Cases

In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

- (1) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;
- (2) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;
- (3) The continuity of future transportation development with those improvements previously programmed; and
- (4) The availability of dedicated funds for a specific type of work.

[1993 c 490 § 4; 1987 c 179 § 3; 1979 ex.s. c 122 § 3; 1975 1st ex.s. c 143 § 2.]

Notes:

Severability--1979 ex.s. c 122: See note following RCW 47.05.021.

RCW 47.05.051 Six-year comprehensive investment program--Priority selection criteria--Improvement program criteria--Departure from criteria.

Applicable Cases

The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the state-wide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

- (1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:
 - (a) Extending the service life of the existing highway system;
 - (b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and
 - (c) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.
- (2) Priority programming for the improvement program shall take into account the following:
 - (a) Support for the state's economy, including job creation and job preservation;

- (b) The cost-effective movement of people and goods;
 - (c) Accident and accident risk reduction;
 - (d) Protection of the state's natural environment;
 - (e) Continuity and systematic development of the highway transportation network;
 - (f) Consistency with local comprehensive plans developed under chapter 36.70A RCW;
 - (g) Consistency with regional transportation plans developed under chapter 47.80 RCW;
 - (h) Public views concerning proposed improvements;
 - (i) The conservation of energy resources;
 - (j) Feasibility of financing the full proposed improvement;
 - (k) Commitments established in previous legislative sessions;
 - (l) Relative costs and benefits of candidate programs;
 - (m) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; and
 - (n) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.
- (3) The commission may depart from the priority programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.
- (4) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

[1998 c 175 § 12; 1993 c 490 § 5; 1987 c 179 § 5; 1979 ex.s. c 122 § 5; 1975 1st ex.s. c 143 § 4.]

Notes:

Severability--1998 c 175: See RCW 47.06A.900.

Severability--1979 ex.s. c 122: See note following RCW 47.05.021.

RCW 47.05.090 Application of 1993 c 490--Deviations.

Applicable Cases

The provisions of chapter 490, Laws of 1993 modifying procedures for priority programming for highway development as set forth in chapter 47.05 RCW, first apply to the comprehensive six-year state highway investment program for the periods 1995 to 2001. For the transition biennium ending June 30, 1995, the commission may deviate from the modified

procedures prescribed by chapter 490, Laws of 1993.

[1993 c 490 § 6.]

Chapter 47.06 RCW STATE-WIDE TRANSPORTATION PLANNING

RCW

47.06.010	Findings.
47.06.020	Role of department.
47.06.030	Transportation policy plan.
47.06.040	State-wide multimodal transportation plan.
47.06.045	Freight mobility plan.
47.06.050	State-owned facilities component.
47.06.060	Aviation plan.
47.06.070	Marine ports and navigation plan.
47.06.080	Freight rail plan.
47.06.090	Intercity passenger rail plan.
47.06.100	Bicycle transportation and pedestrian walkways plan.
47.06.110	Public transportation plan.
47.06.120	High-capacity transportation planning and regional transportation planning--Role of department.
47.06.130	Special planning studies.
47.06.140	Transportation facilities and services of state-wide significance--Level of service standards.
47.06.900	Captions not part of law--1993 c 446.

Notes:

Environmental review of transportation projects: RCW 47.01.290.

RCW 47.06.010 Findings.

Applicable Cases

The legislature recognizes that the ownership and operation of Washington's transportation system is spread among federal, state, and local government agencies, regional transit agencies, port districts, and the private sector. The legislature also recognizes that transportation planning authority is shared on the local, regional, and state levels, and that this planning must be a comprehensive and coordinated effort. While significant authority for transportation planning is vested with local agencies and regional transportation planning organizations under the growth management act, the legislature recognizes that certain transportation issues and facilities cross local and regional boundaries and are vital to the state-wide economy and the cross-state mobility of people and goods. Therefore, the state has an appropriate role in developing state-wide transportation plans that address state jurisdiction facilities and services as well as transportation facilities and services of state interest. These plans shall serve as a guide for short-term investment needs and provide a long-range vision for transportation system development.

[1993 c 446 § 1.]

RCW 47.06.020 Role of department.

Applicable Cases

The specific role of the department in transportation planning shall be (1) ongoing coordination and development of state-wide transportation policies that guide all Washington transportation providers; (2) ongoing development of a state-wide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; and (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of state-wide significance. Specific requirements for each of these state transportation planning components are described in this chapter.

[1993 c 446 § 2.]

RCW 47.06.030 Transportation policy plan.

Applicable Cases

The commission shall develop a state transportation policy plan that (1) establishes a vision and goals for the development of the state-wide transportation system consistent with the state's growth management goals, (2) identifies significant state-wide transportation policy issues, and (3) recommends state-wide transportation policies and strategies to the legislature to fulfill the requirements of RCW 47.01.071(1). The state transportation policy plan shall be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. The plan shall address how the department of transportation will meet the transportation needs and expedite the completion of industrial projects of state-wide significance.

[1997 c 369 § 8; 1993 c 446 § 3.]

Notes:

Industrial project of state-wide significance--Defined: RCW 43.157.010.

RCW 47.06.040 State-wide multimodal transportation plan.

Applicable Cases

The department shall develop a state-wide multimodal transportation plan under RCW 47.01.071(3) and in conformance with federal requirements, to ensure the continued mobility of people and goods within regions and across the state in a safe, cost-effective manner. The state-wide multimodal transportation plan shall consist of:

(1) A state-owned facilities component, which shall guide state investment for state highways including bicycle and pedestrian facilities, and state ferries; and

(2) A state-interest component, which shall define the state interest in aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation, and recommend actions in coordination with appropriate public and private transportation providers to ensure that the state interest in these transportation

modes is met.

The plans developed under each component must be consistent with the state transportation policy plan and with each other, reflect public involvement, be consistent with regional transportation planning, high-capacity transportation planning, and local comprehensive plans prepared under chapter 36.70A RCW, and include analysis of intermodal connections and choices. A primary emphasis for these plans shall be the relief of congestion, the preservation of existing investments, the improvement of traveler safety, the efficient movement of freight and goods, and the improvement and integration of all transportation modes to create a seamless intermodal transportation system for people and goods.

In the development of the state-wide multimodal transportation plan, the department shall identify and document potential affected environmental resources, including, but not limited to, wetlands, storm water runoff, flooding, air quality, fish passage, and wildlife habitat. The department shall conduct its environmental identification and documentation in coordination with all relevant environmental regulatory authorities, including, but not limited to, local governments. The department shall give the relevant environmental regulatory authorities an opportunity to review the department's environmental plans. The relevant environmental regulatory authorities shall provide comments on the department's environmental plans in a timely manner. Environmental identification and documentation as provided for in RCW 47.01.300 and this section is not intended to create a private right of action or require an environmental impact statement as provided in chapter 43.21C RCW.

[1998 c 199 § 1; 1994 c 258 § 5; 1993 c 446 § 4.]

Notes:

Captions not law--1994 c 258: See note following RCW 36.70A.420.

RCW 47.06.045 Freight mobility plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include a freight mobility plan which shall assess the transportation needs to ensure the safe, reliable, and efficient movement of goods within and through the state and to ensure the state's economic vitality.

[1998 c 175 § 10.]

Notes:

Severability--1998 c 175: See RCW 47.06A.900.

RCW 47.06.050 State-owned facilities component.

Applicable Cases

The state-owned facilities component of the state-wide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of

the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(d) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, and develop strategies for ferry system investment that consider regional and state-wide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional

transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

[1993 c 446 § 5.]

RCW 47.06.060 Aviation plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include an aviation plan, which shall fulfill the state-wide aviation planning requirements of the federal government, coordinate state-wide aviation planning, and identify the program needs for public use and state airports.

[1993 c 446 § 6.]

RCW 47.06.070 Marine ports and navigation plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include a state marine ports and navigation plan, which shall assess the transportation needs of Washington's marine ports, including navigation, and identify transportation system improvements needed to support the international trade and economic development role of Washington's marine ports.

[1993 c 446 § 7.]

RCW 47.06.080 Freight rail plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include a state freight rail plan, which shall fulfill the state-wide freight rail planning requirements of the federal government, identify freight rail mainline issues, identify light-density freight rail lines threatened with abandonment, establish criteria for determining the importance of preserving the service or line, and recommend priorities for the use of state rail assistance and state rail banking program funds, as well as other available sources of funds. The plan shall also identify existing intercity rail rights of way that should be preserved for future transportation use.

[1993 c 446 § 8.]

RCW 47.06.090 Intercity passenger rail plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

[1993 c 446 § 9.]

RCW 47.06.100 Bicycle transportation and pedestrian walkways plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include a bicycle transportation and pedestrian walkways plan, which shall propose a state-wide strategy for addressing bicycle and pedestrian transportation, including the integration of bicycle and pedestrian pathways with other transportation modes; the coordination between local governments, regional agencies, and the state in the provision of such facilities; the role of such facilities in reducing traffic congestion; and an assessment of state-wide bicycle and pedestrian transportation needs. This plan shall satisfy the federal requirement for a long-range bicycle transportation and pedestrian walkways plan.

[1993 c 446 § 10.]

RCW 47.06.110 Public transportation plan.

Applicable Cases

The state-interest component of the state-wide multimodal transportation plan shall include a state public transportation plan that:

- (1) Articulates the state vision of an interest in public transportation and provides quantifiable objectives, including benefits indicators;
- (2) Identifies the goals for public transit and the roles of federal, state, regional, and local entities in achieving those goals;
- (3) Recommends mechanisms for coordinating state, regional, and local planning for public transportation;
- (4) Recommends mechanisms for coordinating public transportation with other transportation services and modes;
- (5) Recommends criteria, consistent with the goals identified in subsection (2) of this section and with *RCW 82.44.180 (2) and (3), for existing federal authorizations administered by the department to transit agencies; and
- (6) Recommends a state-wide public transportation facilities and equipment management system as required by federal law.

In developing the state public transportation plan, the department shall involve local jurisdictions, public and private providers of transportation services, nonmotorized interests, and state agencies with an interest in public transportation, including but not limited to the departments of community, trade, and economic development, social and health services, and ecology, the office of the superintendent of public instruction, the office of the governor, and the office of financial management.

The department shall submit an initial report to the legislative transportation committee by December 1, 1993, and shall provide annual reports summarizing the plan's progress each year thereafter.

[1996 c 186 § 512; 1995 c 399 § 120; 1993 c 446 § 11.]

Notes:

***Reviser's note:** RCW 82.44.180 was amended by 1999 c 402 § 5, deleting subsection (2).

Findings--Intent--Part headings not law--Effective date--1996 c 186: See notes following RCW 43.330.904.

Environmental review of transportation projects: RCW 47.01.290.

RCW 47.06.120 High-capacity transportation planning and regional transportation planning--Role of department.

Applicable Cases

The department's role in high-capacity transportation planning and regional transportation planning is to administer state planning grants for these purposes, represent the interests of the state in these regional planning processes, and coordinate other department planning with these regional efforts, including those under RCW 81.104.060.

[1993 c 446 § 12.]

RCW 47.06.130 Special planning studies.

Applicable Cases

The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other state-wide transportation issues.

[1993 c 446 § 13.]

RCW 47.06.140 Transportation facilities and services of state-wide significance--Level of service standards.

Applicable Cases

The legislature declares the following transportation facilities and services to be of state-wide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve state-wide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of state-wide significance in the state-wide multimodal plan. Improvements to facilities and services of state-wide significance identified in the state-wide multimodal plan are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of state-wide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state

highways and state ferry routes of state-wide significance. In establishing level of service standards for state highways and state ferry routes of state-wide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities.

[1998 c 171 § 7.]

RCW 47.06.900 Captions not part of law--1993 c 446.

Applicable Cases

Captions used in this chapter do not constitute any part of the law.

[1993 c 446 § 16.]

**Chapter 47.06A RCW
FREIGHT MOBILITY**

RCW

47.06A.001	Findings.
47.06A.010	Definitions.
47.06A.020	Board--Duties.
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47.06A.060	Grants and loans.
47.06A.070	Records.
47.06A.080	Port district development plans.
47.06A.900	Severability--1998 c 175.

RCW 47.06A.001 Findings.

Applicable Cases

The legislature finds that:

(1) Washington state is uniquely positioned as a gateway to the global economy. As the most trade-dependent state in the nation, per capita, Washington's economy is highly dependent on an efficient multimodal transportation network in order to remain competitive.

(2) The vitality of the state's economy is placed at risk by growing traffic congestion that impedes the safe and efficient movement of goods. The absence of a comprehensive and coordinated state policy that facilitates freight movements to local, national, and international markets limits trade opportunities.

(3) Freight corridors that serve international and domestic interstate and intrastate trade, and those freight corridors that enhance the state's competitive position through regional and global gateways are strategically important. In many instances, movement of freight on these corridors is diminished by: Barriers that block or delay access to intermodal facilities where freight is transferred from one mode of transport to another; conflicts between rail and road traffic; constraints on rail capacity; highway capacity constraints, congestion, and condition; waterway system depths that affect capacity; and institutional, regulatory, and operational

barriers.

(4) Rapidly escalating population growth is placing an added burden on streets, roads, and highways that serve as freight corridors. Community benefits from economic activity associated with freight movement often conflict with community concerns over safety, mobility, [and] environmental quality. Efforts to minimize community impacts in areas of high freight movements that encourage the active participation of communities in the early stages of proposed public and private infrastructure investments will facilitate needed freight mobility improvements.

(5) Ownership of the freight mobility network is fragmented and spread across various public jurisdictions, private companies, and state and national borders. Transportation projects have grown in complexity and size, requiring more resources and longer implementation time frames. Currently, there is no comprehensive and integrated framework for planning the freight mobility needs of public and private stakeholders in the freight transportation system. A coordinated planning process should identify new infrastructure investments that are integrated by public and private planning bodies into a multimodal and multijurisdictional network in all areas of the state, urban and rural, east and west. The state should integrate freight mobility goals with state policy on related issues such as economic development, growth management, and environmental management.

(6) State investment in projects that enhance or mitigate freight movements, should pay special attention to solutions that utilize a corridor solution to address freight mobility issues with important transportation and economic impacts beyond any local area. The corridor approach builds partnerships and fosters coordinated planning among jurisdictions and the public and private sectors.

(7) It is the policy of the state of Washington that limited public transportation funding and competition between freight and general mobility improvements for the same fund sources require strategic, prioritized freight investments that reduce barriers to freight movement, maximize cost-effectiveness, yield a return on the state's investment, require complementary investments by public and private interests, and solve regional freight mobility problems. State financial assistance for freight mobility projects must leverage other funds from all potential partners and sources, including federal, county, city, port district, and private capital.

[1998 c 175 § 1.]

RCW 47.06A.010 Definitions.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the freight mobility strategic investment board created in RCW 47.06A.030.

(2) "Department" means the department of transportation.

(3) "Freight mobility" means the safe, reliable, and efficient movement of goods within and through the state to ensure the state's economic vitality.

(4) "Local governments" means cities, towns, counties, special purpose districts, port districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts.

(5) "Public entity" means a state agency, city, town, county, port district, or municipal or regional planning organization.

(6) "Strategic freight corridor" means a transportation corridor of great economic importance within an integrated freight system that:

(a) Serves international and domestic interstate and intrastate trade;

(b) Enhances the state's competitive position through regional and global gateways;

(c) Carries freight tonnages of at least:

(i) Four million gross tons annually on state highways, city streets, and county roads;

(ii) Five million gross tons annually on railroads; or

(iii) Two and one-half million net tons on waterways; and

(d) Has been designated a strategic corridor by the board under RCW 47.06A.020(3).

However, new alignments to, realignments of, and new links to strategic corridors that enhance freight movement may qualify, even though no tonnage data exists for facilities to be built in the future.

[1998 c 175 § 2.]

RCW 47.06A.020 Board--Duties.

Applicable Cases

(1) The board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;

(b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget request to the office of financial management and the legislature. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The board shall provide periodic progress reports on its activities to the office of financial management and the legislative transportation committee.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or

grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) From June 11, 1998, through the biennium ending June 30, 2001, the board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; and

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as

the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours.

[1999 c 216 § 1; 1998 c 175 § 3.]

RCW 47.06A.030 Board--Creation--Membership.

Applicable Cases

(1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of twelve members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation; (h) one member representing the steamship industry; and (i) one member of the general public. In appointing the general public member, the governor shall endeavor to appoint a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board shall be reimbursed for reasonable and customary travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation.

[1999 c 216 § 2; 1998 c 175 § 4.]

RCW 47.06A.040 Board--Administration and staffing.

Applicable Cases

The board, at its option, may either appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board or make provisions ensuring the responsibilities of the executive director are carried out by an existing transportation-related state agency or by private contract. Staff support to the board shall be provided by the department of transportation, the transportation improvement board, and the county road administration board, or their successor agencies.

[1999 c 216 § 3; 1998 c 175 § 5.]

RCW 47.06A.050 Allocation of funds.

Applicable Cases

(1) For the purpose of allocating funds for the freight mobility strategic investment program, the board shall allocate the first fifty-five percent of funds to the highest priority projects, without regard to location.

(2) The remaining funds shall be allocated equally among three regions of the state, defined as follows:

(a) The Puget Sound region includes King, Pierce, and Snohomish counties;

(b) The western Washington region includes Clallum, Jefferson, Island, Kitsap, San Juan, Skagit, Whatcom, Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston, and Wahkiakum counties; and

(c) The eastern Washington region includes Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Whitman, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla, and Yakima counties.

(3) If a region does not have enough qualifying projects to utilize its allocation of funds, the funds will be made available to the next highest priority project, without regard to location.

(4) In the event that a proposal contains projects in more than one region, for purposes of assuring that equitable geographic distributions are made under subsection (2) of this section, the board shall evaluate the proposal and proportionally assign the benefits that are attributable to each region.

(5) If the board identifies a project for funding, but later determines that the project is not ready to proceed at the time the legislature's funding decision is pending, the board shall recommend removing the project from consideration and the next highest priority project shall be substituted in the project portfolio. Any project removed from funding consideration because it is not ready to proceed shall retain its position on the priority project list and is eligible to be recommended for funding in the next project portfolio submitted by the board.

[1998 c 175 § 6.]

RCW 47.06A.060 Grants and loans.

Applicable Cases

In order to aid the financing of eligible freight mobility projects, the board may:

(1) Make grants or loans from funds appropriated for the freight mobility strategic investment program for the purpose of financing freight mobility projects. The board may require terms and conditions as it deems necessary or convenient to carry out the purposes of this chapter.

(2) The state shall not bear the financial burden for project costs unrelated to the movement of freight. Project amenities unrelated to the movement of freight may not be submitted to the board as part of a project proposal under the freight mobility strategic investment program.

(3) All freight mobility projects aided in whole or in part under this chapter must have a public entity designated as the lead project proponent.

[1998 c 175 § 7.]

RCW 47.06A.070 Records.

Applicable Cases

The board shall keep proper records and shall be subject to audit by the state auditor.

[1998 c 175 § 8.]

RCW 47.06A.080 Port district development plans.

Applicable Cases

Port districts in the state shall submit their development plans to the relevant regional transportation planning organization or metropolitan planning organization, the department, and affected cities and counties to better coordinate the development and funding of freight mobility projects.

[1998 c 175 § 9.]

RCW 47.06A.900 Severability--1998 c 175.

Applicable Cases

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

[1998 c 175 § 15.]

Chapter 47.06B RCW

COORDINATING SPECIAL NEEDS TRANSPORTATION

- 47.06B.010 Finding--Intent.
- 47.06B.012 Definitions.
- 47.06B.015 Program for Agency Coordinated Transportation.
- 47.06B.020 Agency council on coordinated transportation--Creation, membership, staff.
- 47.06B.030 Council--Duties *(as amended by 1999 c 372)*.
- 47.06B.030 Council--Duties *(as amended by 1999 c 385)*.

47.06B.040	Local planning forums.
47.06B.900	Council--Termination.
47.06B.901	Repealer.

RCW 47.06B.010 Finding--Intent. (Effective until June 30, 2008.)

Applicable Cases

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In some cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

[1999 c 385 § 1; 1998 c 173 § 1.]

RCW 47.06B.012 Definitions. (Effective until June 30, 2008.)

Applicable Cases

The definitions in this section apply throughout this chapter.

(1) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation.

(2) "Special needs coordinated transportation" is transportation for persons with special transportation needs that is developed through a collaborative community process involving transportation providers; human service programs and agencies; consumers; social, educational, and health service providers; employer and business representatives; employees and employee representatives; and other affected parties.

[1999 c 385 § 2.]

RCW 47.06B.015 Program for Agency Coordinated Transportation. (Effective until June 30, 2008.)

Applicable Cases

In order to increase efficiency, to reduce waste and duplication, to enable people to access social and health services, to provide a basic level of mobility, and to extend and improve transportation services to people with special transportation needs, the state shall implement the Program for Agency Coordinated Transportation. The program will improve transportation efficiency and effectiveness to maximize the use of community resources so that more people can be served within available funding levels.

The Program for Agency Coordinated Transportation will facilitate a state-wide approach to coordination and will support the development of community-based coordinated transportation systems that exhibit the following characteristics:

(1) *Organizations serving persons with special transportation needs share responsibility for ensuring that customers can access services.*

(2) *There is a single entry process for customers to use to have trips arranged and scheduled, so the customer does not have to contact different locations based on which sponsoring agency or program is paying for the trip.*

(3) *A process is in place so that when decisions are made by service organizations on facility siting or program policy implementation, the costs of client transportation and the potential effects on the client transportation costs of other agencies or programs are considered. Affected agencies are given an opportunity to influence the decision if the potential impact is negative.*

(4) *Open local market mechanisms give all providers who meet minimum standards an opportunity to participate in the program, and, in addition, allow for cost comparisons so that purchasers can select the least expensive trip most appropriate to the customer's needs.*

(5) *There is flexibility in using the available vehicles in a community so that the ability to transport people is not restricted by categorical claims to vehicles.*

(6) *There is maximum sharing of operating facilities and administrative services, to avoid duplication of costly program elements.*

(7) *Trip sponsors and service providers have agreed on a process for allocating costs and billing when they share use of vehicles.*

(8) *Minimum standards exist for at least safety, driver training, maintenance, vehicles, and technology to eliminate barriers that may prevent sponsors from using each other's vehicles or serving each other's clients.*

(9) *The system is user friendly. The fact that the system is supported by a multitude of programs and agencies with different eligibility, contracting, service delivery, payment, and funding structures does not negatively affect the customer's ability to access service.*

(10) *Support is provided for research, technology improvements, and sharing of best practices from other communities, so that the system can be continually improved.*

(11) *There are performance goals and an evaluation process that leads to continuous system improvement.*

[1999 c 385 § 3.]

RCW 47.06B.020 Agency council on coordinated transportation--Creation, membership, staff. (Effective until June 30, 2004.)

Applicable Cases

(1) *The agency council on coordinated transportation is created. The council is composed of nine voting members and eight nonvoting, legislative members.*

(2) *The nine voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and six members appointed by the governor as follows:*

(a) *One representative from the office of the governor;*

(b) *Two persons who are consumers of special needs transportation services;*

- (c) *One representative from the Washington association of pupil transportation;*
- (d) *One representative from the Washington state transit association; and*
- (e) *One of the following:*
 - (i) *A representative from the community transportation association of the Northwest; or*
 - (ii) *A representative from the community action council association.*
- (3) *The eight nonvoting members are legislators as follows:*
 - (a) *Four members from the house of representatives, two from each of the two largest caucuses, appointed by the speaker of the house of representatives, two who are members of the house transportation policy and budget committee and two who are members of the house appropriations committee; and*
 - (b) *Four members from the senate, two from each of the two largest caucuses, appointed by the president of the senate, two members of the transportation committee and two members of the ways and means committee.*
- (4) *Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.*
- (5) *The secretary of transportation or a designee shall serve as the chair.*
- (6) *The department of transportation shall provide necessary staff support for the council.*
- (7) *The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.*

[1998 c 173 § 2.]

RCW 47.06B.030 Council--Duties (as amended by 1999 c 372). (Effective until June 30, 2008.)

Applicable Cases

The council shall:

- (1) *Develop standards and strategies for coordinating special needs transportation;*
- (2) *Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;*
- (3) *Disseminate and encourage the widespread implementation of successful demonstration projects;*
- (4) *Identify and address barriers to transportation coordination;*
- (5) *Recommend to the legislature changes in law to assist coordination of transportation services;*
- (6) *Act as an information clearinghouse and advocate for coordinated transportation;*
- (7) *Petition the office of financial management to make whatever changes are deemed*

~~necessary to identify transportation costs in all executive agency budgets(;~~
~~———— (8) Report to the legislature by December 1, 1998, on council activities including, but not limited to, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary)).~~

[1999 c 372 § 13; 1998 c 173 § 3.]

RCW 47.06B.030 Council--Duties (as amended by 1999 c 385). (Effective until June 30, 2008.)

Applicable Cases

To assure implementation of the Program for Agency Coordinated Transportation, the council, in coordination with stakeholders, shall:

- ~~———— (1) Develop (standards and strategies for coordinating special needs transportation;~~
- ~~———— (2) Identify and develop, fund as resources are made available, and monitor coordinated transportation pilot projects;~~
- ~~———— (3) Disseminate and encourage the widespread implementation of successful demonstration projects;~~
- ~~———— (4) Identify and address barriers to transportation coordination;~~
- ~~———— (5) Recommend to the legislature changes in law to assist coordination of transportation services;~~
- ~~———— (6) Act as an information clearinghouse and advocate for coordinated transportation;~~
- ~~———— (7)) guidelines for local planning of coordinated transportation in accordance with this chapter;~~

(2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;

(3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;

(4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;

(5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;

(6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;

(7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;

(8) Develop methodologies and provide support to local and state agencies in identifying

transportation costs;

(9) Develop guidelines for setting performance measures and evaluating performance;

(10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;

(11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;

(12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;

(13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;

(14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;

(15) Provide technical assistance and support to communities;

(16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;

(17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;

(18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;

(19) Recommend to the legislature changes in laws to assist coordination of transportation services;

(20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;

~~((8))~~ (21) Report to the legislature by December 1, ~~(1998)~~ 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary.

[1999 c 385 § 5; 1998 c 173 § 3.]

Notes:

Reviser's note: RCW 47.06B.030 was amended twice during the 1999 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

RCW 47.06B.040 Local planning forums. (Effective until June 30, 2008.)

Applicable Cases

The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and

planning processes with other counties, as they find it appropriate. The local community forums must:

- (1) Designate a lead organization to facilitate the community planning process on an ongoing basis;*
- (2) Identify functional boundaries for the local coordinated transportation system;*
- (3) Clarify roles and responsibilities of the various participants;*
- (4) Identify community resources and needs;*
- (5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;*
- (6) Implement the community coordinated transportation plan;*
- (7) Develop performance measures consistent with council guidelines;*
- (8) Develop a reporting process consistent with council guidelines;*
- (9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;*
- (10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community.*

[1999 c 385 § 6.]

RCW 47.06B.900 Council--Termination.

Applicable Cases

The agency council on coordinated transportation is terminated on June 30, 2007, as provided in RCW 47.06B.901.

[1999 c 385 § 7; 1998 c 173 § 6.]

RCW 47.06B.901 Repealer.

Applicable Cases

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2008:

- (1) RCW 47.06B.010 and 1999 c 385 § 1 & 1998 c 173 § 1;
- (2) RCW 47.06B.012 and 1999 c 385 § 2;
- (3) RCW 47.06B.015 and 1999 c 385 § 3;
- (4) RCW 47.06B.020 and *1999 c 385 § 4 & 1998 c 173 § 2;
- (5) RCW 47.06B.030 and 1999 c 385 § 5 & 1998 c 173 § 3; and
- (6) RCW 47.06B.040 and 1999 c 385 § 6.

[1999 c 385 § 8; 1998 c 173 § 7.]

Notes:

*Reviser's note: 1999 c 385 § 4 was vetoed.

**Chapter 47.08 RCW
HIGHWAY FUNDS**

RCW

47.08.010	Control of allocated funds.
47.08.020	State to match federal funds.
47.08.040	Contracts with United States as to state highway property.
47.08.050	Contracts with United States--Governor to execute instrument to the United States.
47.08.060	Contracts with United States--Disposal of funds from the United States.
47.08.070	Cooperation in public works projects, urban public transportation systems.
47.08.080	Funds when department is in charge of county road improvements.
47.08.090	Funds when department is in charge of city street improvements.
47.08.100	Illegal use of county or city road funds--Procedure to correct.
47.08.110	Misuse of county or city road funds--General penalty.
47.08.120	Transportation equipment fund.
47.08.121	Transportation equipment fund declared revolving fund of proprietary nature--Use.
47.08.125	Transfer of purchases to transportation equipment fund--Charge for computer services.
47.08.130	Custody of federal funds--Disbursement.

Notes:

Highway funds, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

RCW 47.08.010 Control of allocated funds.

Applicable Cases

Whenever there is provided an allocation for the construction or improvement of state highways, the allocation shall be under the sole charge and direct control of the department.

[1984 c 7 § 92; 1961 c 13 § 47.08.010. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.020 State to match federal funds.

Applicable Cases

For the construction, alteration, repair and improvement of state highways, county roads, or city and town streets in the state of Washington which are part of the public highway system, the good faith of the state of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated, and in the manner and under the rules and regulations imposed by the secretary of commerce and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

[1961 c 13 § 47.08.020. Prior: 1937 c 53 § 46; RRS § 6400-46; 1917 c 76 § 3; RRS § 6846.]

RCW 47.08.040 Contracts with United States as to state highway property.

Applicable Cases

Whenever it is necessary or desirable for the federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the state of Washington and used in connection with any highway in the state of Washington in connection with any federal project for the development of any river within or partially within the state of Washington, the department is authorized, empowered, and directed to negotiate and enter into an agreement with the proper agency of the federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which the rights shall be conveyed, and as to any other matters which may be necessary in order to satisfy the requirements of the federal government. If the agreement is required to be reduced to writing, the writing shall be approved as to form by the attorney general of the state of Washington.

[1984 c 7 § 93; 1961 c 13 § 47.08.040. Prior: 1937 c 113 § 1; RRS § 6450-91.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.050 Contracts with United States--Governor to execute instrument to the United States.

Applicable Cases

Whenever the department has entered into an agreement under RCW 47.08.040 with the federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the federal government or agency, and the instrument is approved as to form by the attorney general of the state of Washington, the governor of the state of Washington is authorized and directed without further authority and in the name of the state of Washington to execute and deliver to the proper agency of the federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the state of Washington.

[1984 c 7 § 94; 1961 c 13 § 47.08.050. Prior: 1937 c 113 § 2; RRS § 6450-92.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.060 Contracts with United States--Disposal of funds from the United States.

Applicable Cases

Whenever any moneys shall be realized by the state of Washington as a result of any agreement authorized by RCW 47.08.040, the same shall be deposited in the treasury of the state of Washington to the credit of the motor vehicle fund, and shall be available for highway purposes only.

[1967 ex.s. c 145 § 45; 1961 c 13 § 47.08.060. Prior: 1937 c 113 § 3; RRS § 6450-93.]

RCW 47.08.070 Cooperation in public works projects, urban public transportation systems.

Applicable Cases

When it appears to the department that any state highway will be benefited or improved by the construction of any public works project, including any urban public transportation system, within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality, or municipal corporation of either the state of Washington or the United States, the department is authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality, or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through the department, will participate in the cost of the public works project in such amount as may be determined by the department to be the value of the benefits or improvements to the particular state highway derived from the construction of the public works project. Under any such agreement the department may contribute to the cost of the public works project by making direct payment to the particular state department, federal government, or to any agency, instrumentality, or municipal corporation of either the state or the United States, or any combination thereof, which may be involved in the project, from any funds appropriated to the department and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the department.

[1984 c 7 § 95; 1967 c 108 § 3; 1961 c 13 § 47.08.070. Prior: 1945 c 127 § 2; Rem. Supp. 1945 § 6400-121.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.08.080 Funds when department is in charge of county road improvements.

Applicable Cases

If any funds become available from the federal government or otherwise for expenditure in conjunction with county funds for the construction, alteration, repair, or improvement of any county road and the work is to be performed by the department, the state treasurer shall, upon notice from the department, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of the county as may be necessary for use in conjunction with funds from the federal government to accomplish the work. The work shall then be performed by the department and paid from the money so set aside upon vouchers approved and submitted by the department in the same manner as payment is made for such work on state highways: PROVIDED, That the legislative authority of any such county shall have, by proper resolution, filed in duplicate in the office of the department and approved by it, determined the county road construction, alteration, repair, or improvement to be

performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government.

[1984 c 7 § 96; 1973 c 106 § 22; 1961 c 13 § 47.08.080. Prior: 1937 c 187 § 59; RRS § 6450-59.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.090 Funds when department is in charge of city street improvements.

Applicable Cases

If any funds become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair, or improvement of its city streets designated as forming a part of the route of any state highway through the incorporated city or town and the work is to be performed by the department, the state treasurer shall, upon notice from the department, set aside from any moneys in the motor vehicle fund credited to the incorporated city or town, the cost thereof or so much money in the state treasury to the credit of the incorporated city or town as may be necessary in conjunction with the funds from the federal government or otherwise to accomplish the work, the cost to be paid by the state treasurer from the money so set aside upon vouchers approved and submitted by the department in the same manner as payment is made for work on state highways. If any such incorporated city or town has agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of the incorporated city or town designated as forming a part of the route of any state highways, that the street will be maintained to a standard and the incorporated city or town fails to so maintain the city street, then the department may perform the maintenance, and the state treasurer is authorized to deduct the cost thereof from any funds credited or to be credited to the incorporated city or town and pay the same on vouchers approved and submitted by the department in the same manner as payment is made for work performed on state highways.

[1984 c 7 § 97; 1973 c 106 § 23; 1961 c 13 § 47.08.090. Prior: 1937 c 187 § 65; RRS § 6450-65.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.100 Illegal use of county or city road funds--Procedure to correct.

Applicable Cases

The department is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal, or wrongful expenditures are being or have been made from the fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the county legislative authority and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the department is authorized to demand of those officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that

restitution of any wrongful or illegal diversion or use shall be made; and it may notify the officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after the notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution, or to adjust the matter to the satisfaction of the department.

If no correction, remedy, adjustment, or restitution is made within ten days to the satisfaction of the department, it has power to request in writing that the state treasurer withhold further payments from the motor vehicle fund to the county or city; and it is the duty of the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until the officials are notified in writing by the department that payments may be resumed.

The department is also authorized to notify in writing the prosecuting attorney of the county in which the violation occurs of the facts, and it is the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

[1984 c 7 § 98; 1973 c 106 § 24; 1961 c 13 § 47.08.100. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.08.110 Misuse of county or city road funds--General penalty.

Applicable Cases

It shall be unlawful and a misdemeanor, unless the same is by this title or other law of this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any moneys in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by law.

[1961 c 13 § 47.08.110. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

RCW 47.08.120 Transportation equipment fund.

Applicable Cases

There is hereby created in the state treasury a state fund to be known as the "transportation equipment fund," the same to be used by the department of transportation as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; and (2) in the administration, maintenance and construction of highways and transportation facilities.

The transportation equipment fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Equipment may be rented and materials and supplies may be sold out of this fund to any federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely within the discretion of the department of transportation and its determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the transportation equipment fund at the office of the department of transportation at Olympia.

[1979 c 39 § 1; 1961 c 13 § 47.08.120. Prior: 1943 c 135 § 1; 1935 c 144 § 10; Rem. Supp. 1943 § 6600-1c.]

RCW 47.08.121 Transportation equipment fund declared revolving fund of proprietary nature--Use.

Applicable Cases

The "highway equipment fund" as established by RCW 47.08.120 is declared to be a revolving fund of a proprietary nature and moneys that are or will be deposited in this fund are hereby authorized for expenditures for the purposes provided by law.

[1961 c 13 § 47.08.121. Prior: 1959 c 326 § 3.]

RCW 47.08.125 Transfer of purchases to transportation equipment fund--Charge for computer services.

Applicable Cases

The department of transportation may from time to time, transfer equipment, materials and supplies purchased with appropriations from the motor vehicle fund to the transportation equipment fund with or without charging the transportation equipment fund. The transfer of computer and computer-type equipment and hand-held and mobile radios, acquired with motor vehicle fund appropriations, to the transportation equipment fund prior to September 1, 1979, is ratified and approved. The full charge for computer services provided from this fund shall be paid directly into the fund by the division of the department of transportation, the political subdivision or the other governmental agency receiving the benefit of such services.

[1979 c 39 § 2.]

RCW 47.08.130 Custody of federal funds--Disbursement.

Applicable Cases

The state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of transportation or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United States under the provisions of the federal aid road act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of transportation or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the department such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States.

[1984 c 7 § 99; 1961 c 13 § 47.08.130. Prior: 1937 c 53 § 45; RRS § 6400-45; 1931 c 129 § 1; 1929 c 146 § 1; 1927 c 214 § 1; 1925 c 4 § 1; 1923 c 41 § 1; 1921 c 89 § 1; 1919 c 56 § 1; RRS § 6850.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

**Chapter 47.10 RCW
HIGHWAY CONSTRUCTION BONDS**

RCW

FIRST PRIORITY PROJECT--1951 ACT

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- 47.10.020 Bond issue authorized--Use of motor vehicle fund.
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- 47.10.160 Additional bonds--Issuance and sale authorized--Use of motor vehicle fund.
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- 47.10.280 Construction in Grant, Franklin, Adams counties authorized--Declaration of priority.
- 47.10.290 Construction in Grant, Franklin, Adams counties authorized--Issuance and sale of bonds.
- 47.10.300 Construction in Grant, Franklin, Adams counties authorized--Form and term of bonds.
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- 47.10.320 Construction in Grant, Franklin, Adams counties authorized--Sale of bonds.
 - 47.10.330 Construction in Grant, Franklin, Adams counties authorized--Bond proceeds--Deposit and use.
 - 47.10.340 Construction in Grant, Franklin, Adams counties authorized--Source of funds for payment of bond principal and interest.
 - 47.10.350 Construction in Grant, Franklin, Adams counties authorized--Highway bond retirement fund.
 - 47.10.360 Construction in Grant, Franklin, Adams counties authorized--Reimbursement by counties.
 - 47.10.370 Construction in Grant, Franklin, Adams counties authorized--Limit as to amounts currently retained from excise taxes.
 - 47.10.380 Construction in Grant, Franklin, Adams counties authorized--Excess sums in bond retirement fund--Use.
 - 47.10.390 Construction in Grant, Franklin, Adams counties authorized--Allocation of funds to each county.
 - 47.10.400 Construction in Grant, Franklin, Adams counties authorized--Appropriation from motor vehicle fund.

ADDITIONAL BONDS--1957 ACT

- 47.10.410 Echo Lake route--Declaration of necessity.
- 47.10.420 Echo Lake route--Additional bond issue authorized--Use of motor vehicle fund.
- 47.10.430 Echo Lake route--Form and term of bonds.
- 47.10.440 Echo Lake route--Bonds not general obligations--Taxes pledged.
- 47.10.450 Echo Lake route--Sale of bonds.
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- 47.10.470 Echo Lake route--Source of funds for payment of principal and interest.
- 47.10.480 Echo Lake route--Highway bond retirement fund.
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- 47.10.500 Echo Lake route--Appropriation from motor vehicle fund.

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- 47.10.700 Tacoma-Seattle-Everett facility--Declaration of necessity.
- 47.10.702 Tacoma-Seattle-Everett facility--To be part of federal system as limited access--Federal standards and conditions to be met.
- 47.10.704 Tacoma-Seattle-Everett facility--Powers and duties of highway commission--Route of project.
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- 47.10.718 Tacoma-Seattle-Everett facility--Additional security for payment of bonds--Pledge of federal funds.
- 47.10.720 Tacoma-Seattle-Everett facility--Highway bond retirement fund.
- 47.10.722 Tacoma-Seattle-Everett facility--Excess sums in bond retirement fund--Use.
- 47.10.724 Tacoma-Seattle-Everett facility--Appropriation from motor vehicle fund.

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- 47.10.726 Construction in Grant, Franklin, Adams counties authorized--Declaration of public interest.
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- 47.10.728 Construction in Grant, Franklin, Adams counties authorized--Form and term of bonds.
- 47.10.729 Construction in Grant, Franklin, Adams counties authorized--Bonds not general obligations--Taxes pledged.
- 47.10.730 Construction in Grant, Franklin, Adams counties authorized--Sale of bonds--Legal investment for state funds.
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- 47.10.733 Construction in Grant, Franklin, Adams counties authorized--Highway bond retirement fund.
- 47.10.734 Construction in Grant, Franklin, Adams counties authorized--Repayment to state by Grant, Franklin and Adams counties by retention of funds.
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- 47.10.751 Additional funds--Declaration of necessity.
- 47.10.752 Additional funds--Issuance and sale of limited obligation bonds.
- 47.10.753 Additional funds--Form and term of bonds.
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47.10.777 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.

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47.10.790 Issuance and sale of general obligation bonds--State route 90 improvements--Category C improvements.

47.10.791 Administration and amount of bond sales.

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47.10.795 Repayment procedure--Bond retirement fund.

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47.10.801 Issuance and sale of general obligation bonds.

47.10.802 Administration and amount of bond sales.

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47.10.804 Statement of general obligation--Pledge of excise taxes.

47.10.805 Designation of funds to repay bonds and interest.

47.10.806 Repayment procedure--Bond retirement fund.

47.10.807 Sums in excess of retirement requirements--Use.

47.10.808 Bonds legal investment for state funds.

47.10.809 Bonds equal charge against fuel tax revenues.

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47.10.812 Issuance and sale of general obligation bonds.

47.10.813 Administration and amount of sale.

47.10.814 Proceeds--Deposit and use.

47.10.815 Statement of general obligation--Pledge of excise taxes.

47.10.816 Designation of funds to repay bonds and interest.

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- 47.10.821 Proceeds--Deposit and use.
- 47.10.822 Statement of general obligation--Pledge of excise taxes.
- 47.10.823 Designation of funds to repay bonds and interest.
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- 47.10.834 Issuance and sale of general obligation bonds.
- 47.10.835 Administration and amount of sale.
- 47.10.836 Proceeds--Deposit and use.
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- 47.10.838 Statement of general obligation--Pledge of excise taxes.
- 47.10.839 Repayment procedure--Bond retirement fund.
- 47.10.841 Equal charge against motor vehicle excise tax revenues.
- 47.10.842 Severability--1994 c 183.

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- 47.10.843 Bond issue authorized.
- 47.10.844 Administration and amount of sale.
- 47.10.845 Proceeds--Deposit and use.
- 47.10.846 Statement of general obligation--Pledge of excise taxes.
- 47.10.847 Repayment procedure--Bond retirement fund.
- 47.10.848 Equal charge against motor vehicle and special fuels tax revenues.

FIRST PRIORITY PROJECT--1951 ACT

RCW 47.10.010 First priority highway projects--Declaration of.

Applicable Cases

Reconstruction of primary state highway No. 1 from Oregon to British Columbia, construction of four traffic lanes at Snoqualmie Pass, construction of an adequate highway bridge from Pasco to Kennewick and construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, are declared to be highway projects of the first priority. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The reimbursement of the motor vehicle fund for money used to purchase Agate Pass Bridge bonds will also make possible other war emergency or high priority highway construction. The threat of war makes acceleration of construction a vital necessity at this time.

[1961 c 13 § 47.10.010. Prior: 1951 c 121 § 1.]

RCW 47.10.020 Bond issue authorized--Use of motor vehicle fund.

Applicable Cases

To provide funds for accelerating construction of these first priority projects, and to reimburse the motor vehicle fund for money expended for Agate Pass Bridge construction there

shall be issued and sold limited obligation bonds of the state of Washington in the sum of sixty-six million seven hundred three thousand, six hundred and twenty-five dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: PROVIDED, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

[1961 c 13 § 47.10.020. Prior: 1955 c 117 § 1; 1951 c 121 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.030 Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.010 through 47.10.140 shall be fully negotiable instruments.

[1961 c 13 § 47.10.030. Prior: 1951 c 121 § 3.]

RCW 47.10.040 Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.010 through 47.10.140 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such

excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.010 through 47.10.140, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.010 through 47.10.140 when due.

[1961 c 13 § 47.10.040. Prior: 1951 c 121 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020 were repealed by 1971 ex.s. c 175 § 33; for later enactment see chapter 82.38 RCW.

RCW 47.10.050 Sale of bonds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall be legal investment for any of the funds of the state, except the permanent school fund: PROVIDED, That bonds authorized herein to reimburse the motor vehicle fund for the cost of the Agate Pass Bridge construction shall be sold at the earliest date which the committee finds feasible.

[1961 c 13 § 47.10.050. Prior: 1951 c 121 § 5.]

RCW 47.10.060 Proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such first priority projects, reimbursement of the motor vehicle fund for money expended for construction of the Agate Pass Bridge in order to make such money available for war emergency highway projects or other high priority highway uses, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.060. Prior: 1951 c 121 § 6.]

RCW 47.10.070 Source of funds for payment of principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of

the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.110.

[1984 c 7 § 100; 1961 c 13 § 47.10.070. Prior: 1951 c 121 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.080 Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.070, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.080. Prior: 1951 c 121 § 8.]

RCW 47.10.090 Excess sums in bond retirement fund--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.090. Prior: 1951 c 121 § 11.]

RCW 47.10.100 Allocation of bonds.

Applicable Cases

The bonds authorized herein are allocated to the first priority projects as follows:

(1) Forty-nine million two hundred fifty thousand dollars of the total issue for the acceleration of the reconstruction of primary state highway No. 1, said amount to be expended on said primary state highway No. 1 as follows: Thirty-three million five hundred thousand dollars between Everett, Seattle, Tacoma, Olympia, Chehalis, Centralia, Kelso, Vancouver, and the Oregon boundary line, and fifteen million seven hundred fifty thousand dollars between Everett and the Canadian boundary line;

(2) Six million five hundred thousand dollars of the total issue for the construction of the highway bridge from Pasco to Kennewick;

(3) Four million two hundred fifty thousand dollars of the total issue for the construction of a four lane highway at Snoqualmie Pass;

(4) Five million dollars of the total issue for the construction of Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties, for which the state must be reimbursed as provided in RCW 47.10.110; and

(5) One million seven hundred three thousand six hundred twenty-five dollars of the total issue for reimbursement of the motor vehicle fund for money spent for Washington toll bridge authority bonds purchased in connection with the construction of the Agate Pass Bridge, said sum of one million seven hundred three thousand six hundred twenty-five dollars to be used when it becomes available in the motor vehicle fund, under allotments to be made by the director of highways, for war emergency or other high priority highway projects: PROVIDED, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

[1961 c 13 § 47.10.100. Prior: 1951 c 121 § 12.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.110 Columbia Basin highway projects--Reimbursement by counties.

Applicable Cases

The secretary shall report separately to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin, and Adams counties under the provisions of RCW 47.10.010 through 47.10.140. Those counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.010 through 47.10.140 within each of such counties as follows: The state finance committee, at least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the

excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.010 through 47.10.140 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from the excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.010 through 47.10.140 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

[1984 c 7 § 101; 1961 c 13 § 47.10.110. Prior: 1951 c 121 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.120 Columbia Basin highway projects--Limit as to amounts currently retained.

Applicable Cases

The sums retained from motor vehicle funds arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid.

[1961 c 13 § 47.10.120. Prior: 1951 c 121 § 10.]

RCW 47.10.130 Agate Pass Bridge to become toll free--Cancellation of Agate Pass bonds.

Applicable Cases

When the state finance committee has made arrangements for the sale of sufficient bonds to reimburse the motor vehicle fund in the sum of one million seven hundred three thousand six hundred twenty-five dollars as aforesaid, the committee shall notify the Washington toll bridge authority and the authority is thereafter directed to transfer the Agate Pass Bridge to the highway department for operation as a toll free part of the state highway system. The bonds of the authority issued to construct the Agate Pass Bridge shall then be canceled.

[1961 c 13 § 47.10.130. Prior: 1951 c 121 § 13.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state toll bridge authority" and "authority" mean department of transportation; see RCW 47.04.015.

RCW 47.10.140 Appropriation from motor vehicle fund.

Applicable Cases

There is appropriated from the motor vehicle fund for the biennium ending March 31, 1953 the sum of sixty-six million seven hundred three thousand six hundred and twenty-five dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.010 through 47.10.140, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

[1961 c 13 § 47.10.140. Prior: 1951 c 121 § 15.]

ADDITIONAL BONDS--1953 ACT

RCW 47.10.150 Declaration of necessity for additional funds.

Applicable Cases

Increased construction costs for highway and bridge construction since the enactment of a highway bond issue by the 1951 legislature makes necessary additional money with which to complete the sections of primary state highway No. 1 planned from funds allocated under RCW 47.10.010 through 47.10.140 and it is vital to the economy of the state and the safety of the traffic that these sections shall be completed to relieve traffic congestions, to add capacity in event of war, and to presently insure greater safety to highway users; the rapid increase of traffic across Snoqualmie Pass necessitates continued improvement of primary state highway No. 2 to provide four-lane paving contiguous to Snoqualmie Pass as the funds will permit; the rapid increase of traffic and the facilitation of movement of military forces and equipment from the military centers of the state makes imperative the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton; said highway to follow approximately the route surveyed by the director of highways and covered in the report filed by him with the 1951 legislature commonly known as the "Echo Lake Route," as the funds provided for herein will permit; the construction of secondary state highways in to the Columbia Basin area is immediately necessary to provide needed state arterial highways for the irrigated lands of the Columbia Basin areas to market centers and thereby encourage the full development of the basin project. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The threat of war makes acceleration of construction a vital necessity at this time.

[1961 c 13 § 47.10.150. Prior: 1953 c 154 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to department of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.160 Additional bonds--Issuance and sale authorized--Use of motor vehicle fund.

Applicable Cases

To provide funds for accelerating construction of these priority projects there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: PROVIDED, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

[1961 c 13 § 47.10.160. Prior: 1955 c 117 § 2; 1953 c 154 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.170 Additional bonds--Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.150 through 47.10.270 shall be fully negotiable instruments.

[1961 c 13 § 47.10.170. Prior: 1953 c 154 § 3.]

RCW 47.10.180 Additional bonds--Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.150 through 47.10.270 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws

of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.150 through 47.10.270 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.150 through 47.10.270 when due.

[1961 c 13 § 47.10.180. Prior: 1953 c 154 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.190 Additional bonds--Sale of bonds.

Applicable Cases

The bonds issued under RCW 47.10.150 through 47.10.270 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.190. Prior: 1953 c 154 § 5.]

RCW 47.10.200 Additional bonds--Proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such priority projects, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.200. Prior: 1953 c 154 § 6.]

RCW 47.10.210 Additional bonds--Source of funds for payment of principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

[1984 c 7 § 102; 1961 c 13 § 47.10.210. Prior: 1953 c 154 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.220 Additional bonds--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.150 through 47.10.270 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimate so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.220. Prior: 1953 c 154 § 8.]

RCW 47.10.230 Additional bonds--Excess sums in bond retirement fund--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.230. Prior: 1953 c 154 § 9.]

RCW 47.10.240 Additional bonds--Allocation--Primary state highway No. 1.

Applicable Cases

Seven million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the completion of four-lane construction of primary state highway No. 1.

[1961 c 13 § 47.10.240. Prior: 1953 c 154 § 10.]

RCW 47.10.250 Additional bonds--Allocation--Primary state highway No. 2, Snoqualmie Pass.

Applicable Cases

Five million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating four-lane construction of primary state highway No. 2 contiguous to Snoqualmie Pass.

[1961 c 13 § 47.10.250. Prior: 1953 c 154 § 11.]

RCW 47.10.260 Additional bonds--Allocation--Columbia Basin highways.

Applicable Cases

Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the construction of secondary state highways in the Columbia Basin area.

[1961 c 13 § 47.10.260. Prior: 1953 c 154 § 12.]

RCW 47.10.270 Additional bonds--Allocation--Echo Lake route.

Applicable Cases

Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated insofar as said funds will permit to the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton.

[1961 c 13 § 47.10.270. Prior: 1953 c 154 § 13.]

ADDITIONAL BONDS--1955 ACT

RCW 47.10.280 Construction in Grant, Franklin, Adams counties authorized--Declaration of priority.

Applicable Cases

Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, is declared to be a project of the first priority. The construction of said project is required in the interest of the public safety and for the orderly development of the state.

[1961 c 13 § 47.10.280. Prior: 1955 c 311 § 1.]

RCW 47.10.290 Construction in Grant, Franklin, Adams counties authorized--Issuance and sale of bonds.

Applicable Cases

To provide funds for construction of this first priority project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million three hundred thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued

and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this first priority project.

[1961 c 13 § 47.10.290. Prior: 1955 c 311 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.300 Construction in Grant, Franklin, Adams counties authorized--Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. Any bonds may be registered in the name of the holder by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.280 through 47.10.400 shall be fully negotiable instruments.

[1961 c 13 § 47.10.300. Prior: 1955 c 311 § 3.]

RCW 47.10.310 Construction in Grant, Franklin, Adams counties authorized--Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.280 through 47.10.400 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW, and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400; and *chapter 82.40 RCW and RCW 82.40.020. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.280 through 47.10.400. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.280 through 47.10.400 when due.

[1961 c 13 § 47.10.310. Prior: 1955 c 311 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.320 Construction in Grant, Franklin, Adams counties authorized--Sale of bonds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If such bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.320. Prior: 1955 c 311 § 5.]

RCW 47.10.330 Construction in Grant, Franklin, Adams counties authorized--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of this first priority project, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.330. Prior: 1955 c 311 § 6.]

RCW 47.10.340 Construction in Grant, Franklin, Adams counties authorized--Source of funds for payment of bond principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.360.

[1984 c 7 § 103; 1961 c 13 § 47.10.340. Prior: 1955 c 311 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.350 Construction in Grant, Franklin, Adams counties authorized--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.340, the percentage of receipts in money of the motor vehicle fuels, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.350. Prior: 1955 c 311 § 8.]

RCW 47.10.360 Construction in Grant, Franklin, Adams counties authorized--Reimbursement by counties.

Applicable Cases

The secretary shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin, and Adams counties under the provisions of RCW 47.10.280 through 47.10.400. Those counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.280 through 47.10.400 within each of those counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.280 through 47.10.400 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.280 through 47.10.400 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

[1984 c 7 § 104; 1961 c 13 § 47.10.360. Prior: 1955 c 311 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.370 Construction in Grant, Franklin, Adams counties authorized--Limit as to amounts currently retained from excise taxes.

Applicable Cases

The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid.

[1961 c 13 § 47.10.370. Prior: 1955 c 311 § 10.]

RCW 47.10.380 Construction in Grant, Franklin, Adams counties authorized--Excess sums in bond retirement fund--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.380. Prior: 1955 c 311 § 11.]

RCW 47.10.390 Construction in Grant, Franklin, Adams counties authorized--Allocation of funds to each county.

Applicable Cases

The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county--six hundred thousand dollars.
- (2) For Franklin county--one million five hundred thousand dollars.
- (3) For Grant county--two million two hundred thousand dollars:

PROVIDED, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

[1961 c 13 § 47.10.390. Prior: 1955 c 311 § 12.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.400 Construction in Grant, Franklin, Adams counties authorized--Appropriation from motor vehicle fund.

Applicable Cases

There is appropriated from the motor vehicle fund for the biennium ending June 30, 1957 the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.280 through 47.10.400, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

[1961 c 13 § 47.10.400. Prior: 1955 c 311 § 13.]

ADDITIONAL BONDS--1957 ACT

RCW 47.10.410 Echo Lake route--Declaration of necessity.

Applicable Cases

Increased costs for highway and bridge construction since the enactment of the highway bond issues authorized by the 1951, 1953 and 1955 legislatures makes necessary additional money with which to complete that portion of primary state highway No. 2, beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton, commonly known as the "Echo Lake Route." It is vital to the economy of the state and traffic safety that this project be constructed as soon as the funds provided herein will permit.

[1961 c 13 § 47.10.410. Prior: 1957 c 206 § 1.]

RCW 47.10.420 Echo Lake route--Additional bond issue authorized--Use of motor vehicle fund.

Applicable Cases

To provide additional funds for the construction of the "Echo Lake Route," in addition to bonds authorized to be sold by RCW 47.10.160 and as allocated by RCW 47.10.270, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project: PROVIDED, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands, moneys appropriated to the state highway commission for highway purposes may be used to finance this project until such time as bonds are sold, as provided by law, at which time

the motor vehicle fund shall be reimbursed.

[1961 c 13 § 47.10.420. Prior: 1957 c 206 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.10.430 Echo Lake route--Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption bearing such interest, and such terms and conditions as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.410 through 47.10.500 shall be fully negotiable instruments.

[1961 c 13 § 47.10.430. Prior: 1957 c 206 § 3.]

RCW 47.10.440 Echo Lake route--Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.410 through 47.10.500 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.410 through 47.10.500 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949, and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.410 through 47.10.500 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.410 through 47.10.500.

[1961 c 13 § 47.10.440. Prior: 1957 c 206 § 4.]

Notes:

*Reviser's note: Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.450 Echo Lake route--Sale of bonds.

Applicable Cases

The bonds issued under the terms of RCW 47.10.410 through 47.10.500 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.450. Prior: 1957 c 206 § 5.]

RCW 47.10.460 Echo Lake route--Proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.410, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

[1961 c 13 § 47.10.460. Prior: 1957 c 206 § 6.]

RCW 47.10.470 Echo Lake route--Source of funds for payment of principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

[1984 c 7 § 105; 1961 c 13 § 47.10.470. Prior: 1957 c 206 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.480 Echo Lake route--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor

vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.410 through 47.10.500 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.480. Prior: 1957 c 206 § 8.]

RCW 47.10.490 Echo Lake route--Excess sums in bond retirement fund--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.490. Prior: 1957 c 206 § 9.]

RCW 47.10.500 Echo Lake route--Appropriation from motor vehicle fund.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of three million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.410 through 47.10.500, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such fund.

[1961 c 13 § 47.10.500. Prior: 1957 c 206 § 10.]

TACOMA-SEATTLE-EVERETT FACILITY--1957 ACT

RCW 47.10.700 Tacoma-Seattle-Everett facility--Declaration of necessity.

Applicable Cases

Increased traffic and increased costs of highway and bridge construction make necessary additional moneys with which to complete the sections of primary state highway No. 1 through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route by-passing Seattle east of Lake Washington. It is vital to the economy of the state and the safety of traffic that these sections shall be completed to relieve traffic congestions, to insure greater

safety to highway users, and to assure an adequate through highway to accommodate traffic from bridges across Lake Washington as soon as possible.

[1961 c 13 § 47.10.700. Prior: 1957 c 189 § 1.]

RCW 47.10.702 Tacoma-Seattle-Everett facility--To be part of federal system as limited access--Federal standards and conditions to be met.

Applicable Cases

This highway project shall be constructed as a part of the federal interstate highway system as a fully controlled limited access facility and shall meet the standards and specifications required by the state of Washington and the secretary of commerce of the United States in order to qualify for federal grants in aid as provided for in the federal-aid highway act of 1956. The state shall perform all conditions precedent to payment in advance of apportionment as provided by section 108(h) of the federal-aid highway act of 1956 so as to be entitled to federal aid funds for the project covered by RCW 47.10.700 through 47.10.724 when such funds are apportioned.

[1961 c 13 § 47.10.702. Prior: 1957 c 189 § 2.]

RCW 47.10.704 Tacoma-Seattle-Everett facility--Powers and duties of highway commission--Route of project.

Applicable Cases

In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle and Everett and to remove the present handicaps and hazards over and along primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign and reconstruct primary state highway No. 1 upon a newly located right of way or upon portions of existing right of way through and between the cities of Tacoma, Seattle and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington.

[1961 c 13 § 47.10.704. Prior: 1957 c 189 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.706 Tacoma-Seattle-Everett facility--Issuance and sale of bonds authorized.

Applicable Cases

In order to finance the immediate construction of the project referred to in RCW 47.10.700 pending receipt of federal grants in aid and in accordance with the federal-aid highway act of 1956, there shall be issued and sold limited obligation bonds of the state of Washington in

the sum of forty-five million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of RCW 47.10.700 through 47.10.724 until the congress of the United States shall approve the estimated cost of completing the federal interstate system to be submitted to it within ten days subsequent to January 2, 1958, as provided by section 108(d), federal-aid highway act of 1956. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

[1967 ex.s. c 7 § 1; 1961 c 13 § 47.10.706. Prior: 1957 c 189 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Terms "state highway commission" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.10.708 Tacoma-Seattle-Everett facility--Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1961 c 13 § 47.10.708. Prior: 1957 c 189 § 5.]

RCW 47.10.710 Tacoma-Seattle-Everett facility--Sale of bonds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall be legal

investment for any of the funds of the state, except the permanent school fund.

[1961 c 13 § 47.10.710. Prior: 1957 c 189 § 6.]

RCW 47.10.712 Tacoma-Seattle-Everett facility--Proceeds from bonds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704, and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds.

[1961 c 13 § 47.10.712. Prior: 1957 c 189 § 7.]

RCW 47.10.714 Tacoma-Seattle-Everett facility--Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.700 through 47.10.724 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and *chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.700 through 47.10.724, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.700 through 47.10.724.

[1961 c 13 § 47.10.714. Prior: 1957 c 189 § 8.]

Notes:

***Reviser's note:** Chapter 82.40 RCW and RCW 82.40.020, see note following RCW 47.10.040.

RCW 47.10.716 Tacoma-Seattle-Everett facility--Source of funds for payment of principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such

bonds.

[1984 c 7 § 106; 1961 c 13 § 47.10.716. Prior: 1957 c 189 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.718 Tacoma-Seattle-Everett facility--Additional security for payment of bonds--Pledge of federal funds.

Applicable Cases

As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the department, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956 for the construction of all or any part of the project referred to in RCW 47.10.700, 47.10.702, and 47.10.704.

[1984 c 7 § 107; 1961 c 13 § 47.10.718. Prior: 1957 c 189 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.720 Tacoma-Seattle-Everett facility--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.716, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.718, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1961 c 13 § 47.10.720. Prior: 1957 c 189 § 11.]

RCW 47.10.722 Tacoma-Seattle-Everett facility--Excess sums in bond retirement fund--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor

fuels and the federal funds which may be pledged as provided in RCW 47.10.718, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1961 c 13 § 47.10.722. Prior: 1957 c 189 § 12.]

RCW 47.10.724 Tacoma-Seattle-Everett facility--Appropriation from motor vehicle fund.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of forty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.700 through 47.10.724, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

[1967 ex.s. c 7 § 2; 1961 c 13 § 47.10.724. Prior: 1957 c 189 § 13.]

ADDITIONAL BONDS--1965 ACT

RCW 47.10.726 Construction in Grant, Franklin, Adams counties authorized--Declaration of public interest.

Applicable Cases

Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of additional lands for settlement in the Columbia Basin irrigation project, is declared to be a project required in the interest of the public safety and for the orderly development of the state.

[1965 c 121 § 1.]

RCW 47.10.727 Construction in Grant, Franklin, Adams counties authorized--Issuance and sale of limited obligation bonds.

Applicable Cases

To provide funds for construction of this project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of one million eight hundred and fifty thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project.

[1965 c 121 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.728 Construction in Grant, Franklin, Adams counties authorized--Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. The coupons attached to the bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.726 through 47.10.738 shall be fully negotiable instruments.

[1965 c 121 § 3.]

RCW 47.10.729 Construction in Grant, Franklin, Adams counties authorized--Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.726 through 47.10.738 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.726 through 47.10.738. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.726 through 47.10.738 when due.

[1965 c 121 § 4.]

Notes:

***Reviser's note:** Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33; for later enactment, see chapter 82.38 RCW.

RCW 47.10.730 Construction in Grant, Franklin, Adams counties authorized--Sale of

bonds--Legal investment for state funds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The bonds shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1965 c 121 § 5.]

RCW 47.10.731 Construction in Grant, Franklin, Adams counties authorized--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project authorized by RCW 47.10.726 through 47.10.738, and payment of the expense incurred in the printing, issuance and sale of any such bonds, in which expense shall be included the sum of one eighth of one percent of the amount of the issue to cover the cost of servicing said issue, such sum to be deposited in the general fund.

[1965 c 121 § 6.]

RCW 47.10.732 Construction in Grant, Franklin, Adams counties authorized--Source of funds for payment of bond principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: PROVIDED, That money required hereunder to pay interest on or to retire any bonds issued as authorized by RCW 47.10.726 through 47.10.738 shall be repaid by the county or counties wherein the highways or roads are constructed in the manner set forth in RCW 47.10.734.

[1984 c 7 § 108; 1965 c 121 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.733 Construction in Grant, Franklin, Adams counties authorized--Highway

bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of receipts in money of the motor vehicle *fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1965 c 121 § 8.]

Notes:

***Reviser's note:** The word "fuels" appearing in the session law version of the above section has been corrected to read "fund"; see comparable provisions in RCW 47.10.080, 47.10.220, 47.10.480, and 47.10.720.

RCW 47.10.734 Construction in Grant, Franklin, Adams counties authorized--Repayment to state by Grant, Franklin and Adams counties by retention of funds.

Applicable Cases

The secretary shall report to the state finance committee all sums expended from funds resulting from the sale of bonds authorized by RCW 47.10.726 through 47.10.738. Grant, Franklin, and Adams counties shall repay to the state all the cost of highway or road facilities actually constructed under the provisions of RCW 47.10.726 through 47.10.738 within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds sold under the provisions of RCW 47.10.726 through 47.10.738 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.726 through 47.10.738 in Grant, Adams, and Franklin counties. Any money so retained shall be available for state highway purposes.

[1984 c 7 § 109; 1965 c 121 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.735 Construction in Grant, Franklin, Adams counties authorized--Repayment, limitation as to amount of funds retained--Deficits.

Applicable Cases

The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties as provided in RCW 47.10.734, together with the sums similarly retained under the provisions of RCW 47.10.010 through 47.10.140 and RCW 47.10.280 through 47.10.400 shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such highway facilities is paid.

[1965 c 121 § 10.]

RCW 47.10.736 Construction in Grant, Franklin, Adams counties authorized--Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentages of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1965 c 121 § 11.]

RCW 47.10.737 Construction in Grant, Franklin, Adams counties authorized--Allocation of bonds to counties--Conditions upon issuance--Use of county engineering forces.

Applicable Cases

The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county--one hundred thousand dollars.
- (2) For Franklin county--four hundred fifty thousand dollars.
- (3) For Grant county--one million three hundred thousand dollars:

PROVIDED, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

[1965 c 121 § 12.]

Notes:

Reviser's note: Powers, duties, and functions of director of highways transferred to secretary of transportation; see RCW 47.01.031. Term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.10.738 Construction in Grant, Franklin, Adams counties authorized--Appropriation from motor vehicle fund.

Applicable Cases

There is appropriated from the motor vehicle fund for the biennium ending June 30, 1967 the sum of one million eight hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.726 through 47.10.738.

[1965 c 121 § 13.]

ADDITIONAL BONDS--CONSTRUCTION AND IMPROVEMENT--1967 ACT

RCW 47.10.751 Additional funds--Declaration of necessity.

Applicable Cases

Increased costs of construction combined with an unprecedented increase in motor vehicle use in this state have created an urgent demand for additional highway construction funds. It is vital to the economy of this state and the safety of the public that additional funds be provided for the construction of state highways.

[1967 ex.s. c 7 § 3.]

RCW 47.10.752 Additional funds--Issuance and sale of limited obligation bonds.

Applicable Cases

In order to provide funds for the construction and improvement of state highways, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

[1967 ex.s. c 7 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.10.753 Additional funds--Form and term of bonds.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1967 ex.s. c 7 § 5.]

RCW 47.10.754 Additional funds--Sale of bonds--Legal investment for state funds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1967 ex.s. c 7 § 6.]

RCW 47.10.755 Additional funds--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds.

[1967 ex.s. c 7 § 7.]

RCW 47.10.756 Additional funds--Bonds not general obligations--Taxes pledged.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in

RCW 47.10.751 through 47.10.760 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.751 through 47.10.760, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.751 through 47.10.760.

[1967 ex.s. c 7 § 8.]

Notes:

***Reviser's note:** Chapter 82.40 RCW, see note following RCW 47.10.729.

RCW 47.10.757 Additional funds--Source of funds for payment of bond principal and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 110; 1967 ex.s. c 7 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.758 Additional funds--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.757, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall

notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1967 ex.s. c 7 § 10.]

RCW 47.10.759 Additional funds--Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1967 ex.s. c 7 § 11.]

RCW 47.10.760 Additional funds--Appropriation from motor vehicle fund.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of thirty million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.751 through 47.10.760.

[1967 ex.s. c 7 § 12.]

RESERVE FUNDS FOR HIGHWAY, STREET, AND ROAD PURPOSES--1967 ACT

RCW 47.10.761 Reserve funds--Purposes.

Applicable Cases

It is the purpose of RCW 47.10.761 through 47.10.771 to provide reserve funds to the department for the following purposes:

(1) For construction, reconstruction, or repair of any state highway made necessary by slides, storm damage, or other unexpected or unusual causes;

(2) For construction or improvement of any state highway when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within any area of the state;

(3) To advance funds to any city or county to be used exclusively for the construction or improvement of any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within a particular area of the state. Before funds provided by the sale of bonds as authorized in RCW 47.10.761 through 47.10.770, are loaned to any city or county for the purposes specified herein, the department shall enter into an agreement with the city or county providing for repayment to the motor vehicle fund of such funds, together with the amount of bond interest thereon, from the city's or the county's share of the motor vehicle funds arising from excise taxes on motor vehicle fuels, over a period not to exceed twenty-five years; and

(4) To participate in projects on state highways or projects benefiting state highways that have been selected for funding by entities other than the Washington state department of transportation and require a financing contribution by the department of transportation.

[1993 sp.s. c 11 § 1; 1984 c 7 § 111; 1967 ex.s. c 7 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.762 Issuance and sale of general obligation bonds.

Applicable Cases

In order to provide reserve funds for the purposes specified in RCW 47.10.761, there shall be issued and sold general obligation bonds of the state of Washington in the sum of twenty-five million dollars or such amount thereof and at such times as may be determined to be necessary by the state transportation commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state transportation commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the purposes enumerated in RCW 47.10.761.

[1993 sp.s. c 11 § 2; 1967 ex.s. c 7 § 14.]

RCW 47.10.763 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1967 ex.s. c 7 § 15.]

RCW 47.10.764 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and

on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1967 ex.s. c 7 § 16.]

RCW 47.10.765 Bonds--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in RCW 47.10.761 and for payment of the expense incurred in the drafting, printing, issuance and sale of any such bonds.

[1967 ex.s. c 7 § 17.]

RCW 47.10.766 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.761 through 47.10.771 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.761 through 47.10.771, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.761 through 47.10.771.

[1967 ex.s. c 7 § 18.]

Notes:

***Reviser's note:** Chapter 82.40 RCW, see note following RCW 47.10.729.

RCW 47.10.767 Bonds--Designation of funds to repay bonds and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1984 c 7 § 112; 1967 ex.s. c 7 § 19.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.768 Bonds--Pledge of federal aid funds.

Applicable Cases

As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the department, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways.

[1984 c 7 § 113; 1967 ex.s. c 7 § 20.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.10.769 Bonds--Repayment procedure--Bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.767, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.768, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1967 ex.s. c 7 § 21.]

RCW 47.10.770 Bonds--Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.768, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state

finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1967 ex.s. c 7 § 22.]

RCW 47.10.771 Bonds--Appropriation from motor vehicle fund.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of twenty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.761 through 47.10.771.

[1967 ex.s. c 7 § 23.]

STATE HIGHWAYS IN URBAN AREAS

RCW 47.10.775 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.

Applicable Cases

See RCW 47.26.400 through 47.26.407.

COUNTY AND CITY ARTERIALS IN URBAN AREAS

RCW 47.10.777 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc.

Applicable Cases

See RCW 47.26.420 through 47.26.460.

INTERSTATE 90 COMPLETION--1979 ACT

RCW 47.10.790 Issuance and sale of general obligation bonds--State route 90 improvements--Category C improvements.

Applicable Cases

(1) In order to provide funds for the location, design, right of way, and construction of selected interstate highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission, a total of one hundred million dollars of general obligation bonds of the state of Washington to pay the state's share of costs for completion of state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular federal interstate funding and until December 31, 1989, to temporarily pay the regular federal share of construction of completion projects on state route 90 (state route 5 to state route 405) and other related state highway projects eligible for regular interstate funding in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED,

That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.801 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122.

(2) The transportation commission, in consultation with the legislative transportation committee, may at any time find and determine that any amount of the bonds authorized in subsection (1) of this section, and not then sold, are no longer required to be issued and sold for the purposes described in subsection (1) of this section.

(3) Any bonds authorized by subsection (1) of this section that the transportation commission determines are no longer required for the purpose of paying the cost of the designated interstate highway improvements described therein shall be issued and sold, upon the request of the Washington state transportation commission, to provide funds for the location, design, right of way, and construction of major transportation improvements throughout the state that are identified as category C improvements in *RCW 47.05.030.

[1985 c 406 § 1; 1982 c 19 § 3; 1981 c 316 § 10; 1979 ex.s. c 180 § 1.]

Notes:

***Reviser's note:** RCW 47.05.030 was amended by 1993 c 490 § 3 and no longer defines highway projects or improvements.

Severability--1982 c 19: See note following RCW 47.10.801.

Severability--1981 c 316: See RCW 47.10.811.

RCW 47.10.791 Administration and amount of bond sales.

Applicable Cases

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The amount of such bonds issued and sold under the provisions of RCW 47.10.790 through 47.10.798 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.790. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to

pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1986 c 290 § 6; 1979 ex.s. c 180 § 2.]

RCW 47.10.792 Bond proceeds--Deposit and use.

Applicable Cases

The proceeds from the sale of the bonds authorized by RCW 47.10.790 shall be deposited in the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.10.790, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1986 c 290 § 7; 1979 ex.s. c 180 § 3.]

RCW 47.10.793 Statement of general obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the provisions of RCW 47.10.790 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.10.790 through 47.10.798 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.790 through 47.10.798, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.790 through 47.10.798.

[1995 c 274 § 6; 1979 ex.s. c 180 § 4.]

RCW 47.10.794 Designation of funds to repay bonds and interest.

Applicable Cases

Any funds required to repay the bonds authorized by RCW 47.10.790 or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or

interest on any such bonds.

[1979 ex.s. c 180 § 5.]

RCW 47.10.795 Repayment procedure--Bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.794, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund heretofore created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith, and such committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

[1979 ex.s. c 180 § 6.]

RCW 47.10.796 Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds pursuant to applicable bond covenants or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund.

[1979 ex.s. c 180 § 7.]

RCW 47.10.797 Bonds legal investment for state funds.

Applicable Cases

The bonds authorized in RCW 47.10.790 through 47.10.798 constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1979 ex.s. c 180 § 8.]

RCW 47.10.798 Bonds equal charge against fuel tax revenues.

Applicable Cases

Except as otherwise provided by statute, general obligation bonds issued under authority of legislation enacted during the 45th session of the legislature and thereafter and which pledge

motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1979 ex.s. c 180 § 9.]

RCW 47.10.799 Appropriation--Expenditure limited to bond sale proceeds.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of ten million dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.790: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of ten million dollars of bonds authorized by RCW 47.10.790 and deposited to the credit of the motor vehicle fund.

[1979 ex.s. c 180 § 10.]

RCW 47.10.800 Severability--1979 ex.s. c 180.

Applicable Cases

If any provision of RCW 47.10.790 through 47.10.800 or its application to any person or circumstance is held invalid, the remainder of RCW 47.10.790 through 47.10.800 or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 180 § 12.]

**INTERSTATE HIGHWAY, CATEGORY A, CATEGORY C IMPROVEMENTS--1981
ACT**

RCW 47.10.801 Issuance and sale of general obligation bonds.

Applicable Cases

(1) In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other state highway improvements, there shall be issued and sold, subject to subsections (2), (3), and (4) of this section, upon the request of the Washington state transportation commission a total of four hundred sixty million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(a) Not to exceed two hundred twenty-five million dollars to pay the state's share of costs for federal-aid interstate highway improvements and until December 31, 1989, to temporarily pay the regular federal share of construction of federal-aid interstate highway improvements to complete state routes 82, 90, 182, and 705 in advance of federal-aid apportionments under the provisions of 23 U.S.C. Secs. 115 or 122: PROVIDED, That the total amount of bonds issued to temporarily pay the regular federal share of construction of federal-aid interstate highways in advance of federal-aid apportionments as authorized by this section and RCW 47.10.790 shall not exceed one hundred twenty million dollars: PROVIDED FURTHER, That the transportation commission shall consult with the legislative transportation committee prior to the adoption of

plans for the obligation of federal-aid apportionments received in federal fiscal year 1985 and subsequent years to pay the regular federal share of federal-aid interstate highway construction projects or to convert such apportionments under the provisions of 23 U.S.C. Secs. 115 or 122;

(b) Two hundred twenty-five million dollars for major transportation improvements throughout the state that are identified as category C improvements and for selected major non-interstate construction and reconstruction projects that are included as Category A Improvements in *RCW 47.05.030;

(c) Ten million dollars for state highway improvements necessitated by planned economic development, as determined through the procedures set forth in RCW 43.160.074 and 47.01.280.

(2) The amount of bonds authorized in subsection (1)(a) of this section shall be reduced if the transportation commission, in consultation with the legislative transportation committee, determines that any of the bonds that have not been sold are no longer required.

(3) The amount of bonds authorized in subsection (1)(b) of this section shall be increased by an amount not to exceed, and concurrent with, any reduction of bonds authorized under subsection (1)(a) of this section in the manner prescribed in subsection (2) of this section.

(4) The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section and increase the amount of bonds authorized in subsection (1)(a) or (b) of this section, or both by an amount equal to the decrease in subsection (1)(c) of this section. The transportation commission may decrease the amount of bonds authorized in subsection (1)(c) of this section only if the legislature appropriates an equal amount of funds from the motor vehicle fund - basic account for the purposes enumerated in subsection (1)(c) of this section.

[1999 c 94 § 13; 1994 c 173 § 1. Prior: 1985 c 433 § 7; 1985 c 406 § 2; 1982 c 19 § 1; 1981 c 316 § 1.]

Notes:

***Reviser's note:** RCW 47.05.030 was amended by 1993 c 490 § 3 and no longer defines categories of highway projects or improvements.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective date--1994 c 173: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 30, 1994]." [1994 c 173 § 2.]

Nonseverability--1985 c 433: See note following RCW 43.160.074.

Severability--1982 c 19: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 19 § 5.]

RCW 47.10.802 Administration and amount of bond sales.

Applicable Cases

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.801 in accordance with chapter 39.42 RCW. The amount of such bonds issued and sold under RCW 47.10.801 through 47.10.809 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as

may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.801. The amount of bonds issued and sold under RCW 47.10.801(1)(a) in any biennium shall not, except as provided in that section, exceed the amount required to match federal-aid interstate funds available to the state of Washington. The transportation commission shall give notice of its intent to sell bonds to the legislative transportation committee before requesting the state finance committee to issue and sell bonds authorized by RCW 47.10.801(1)(a). The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1986 c 290 § 1; 1983 1st ex.s. c 53 § 23; 1982 c 19 § 2; 1981 c 316 § 2.]

Notes:

Severability--1983 1st ex.s. c 53: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1983 1st ex.s. c 53 § 36.]

Severability--1982 c 19: See note following RCW 47.10.801.

RCW 47.10.803 Bond proceeds--Deposit and use.

Applicable Cases

The proceeds from the sale of the bonds authorized by RCW 47.10.801(1) shall be deposited in the motor vehicle fund. All such proceeds shall be available only for the purposes enumerated in RCW 47.10.801, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1999 c 94 § 14; 1986 c 290 § 2; 1985 c 433 § 8; 1981 c 316 § 3.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Nonseverability--1985 c 433: See note following RCW 43.160.074.

RCW 47.10.804 Statement of general obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under RCW 47.10.801 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.10.801 through 47.10.809 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under RCW 47.10.801 through 47.10.809, and the legislature hereby agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under RCW 47.10.801 through 47.10.809.

[1995 c 274 § 7; 1981 c 316 § 4.]

RCW 47.10.805 Designation of funds to repay bonds and interest.

Applicable Cases

Any funds required to repay the bonds authorized by RCW 47.10.801 or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1981 c 316 § 5.]

RCW 47.10.806 Repayment procedure--Bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to RCW 47.10.805, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the highway bond retirement fund heretofore created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith, and the committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

[1981 c 316 § 6.]

RCW 47.10.807 Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the highway bond retirement fund shall prove more than is required for the payment of interest on bonds when due, or current retirement bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1981 c 316 § 7.]

RCW 47.10.808 Bonds legal investment for state funds.

Applicable Cases

The bonds authorized in RCW 47.10.801 through 47.10.809 constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1981 c 316 § 8.]

RCW 47.10.809 Bonds equal charge against fuel tax revenues.

Applicable Cases

Bonds issued under authority of RCW 47.10.801 through 47.10.809 and any subsequent general obligation bonds of the state of Washington which may be authorized and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1981 c 316 § 9.]

RCW 47.10.811 Severability--1981 c 316.

Applicable Cases

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

[1981 c 316 § 13.]

CATEGORY C IMPROVEMENTS--1993 ACT

RCW 47.10.812 Issuance and sale of general obligation bonds.

Applicable Cases

In order to provide funds necessary for the location, design, right of way, and construction of state highway improvements that are identified as special category C improvements, there shall be issued and sold upon the request of the Washington state transportation commission a total of three hundred thirty million dollars of general obligation bonds of the state of

Washington.

[1999 1st sp.s. c 2 § 1; 1993 c 431 § 1.]

RCW 47.10.813 Administration and amount of sale.

Applicable Cases

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.812 through 47.10.817 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.812 through 47.10.817 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1993 c 431 § 2.]

RCW 47.10.814 Proceeds--Deposit and use.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 47.10.812 through 47.10.817 shall be deposited in the special category C account in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in RCW 47.10.812, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1993 c 431 § 3.]

RCW 47.10.815 Statement of general obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the authority of RCW 47.10.812 through 47.10.817 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.10.812 through 47.10.817 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.812 through 47.10.817, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.812 through 47.10.817.

[1995 c 274 § 8; 1993 c 431 § 4.]

RCW 47.10.816 Designation of funds to repay bonds and interest.

Applicable Cases

Both principal and interest on the bonds issued for the purposes of RCW 47.10.812 through 47.10.817 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the special category C account in the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.812 through 47.10.817 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the special category C account in the motor vehicle fund. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the special category C account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the special category C account not required for bond retirement or interest on the bonds.

[1993 c 431 § 5.]

RCW 47.10.817 Equal charge against fuel tax revenues.

Applicable Cases

Bonds issued under the authority of RCW 47.10.812 through 47.10.816 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1993 c 431 § 6.]

RCW 47.10.818 Severability--1993 c 431.

Applicable Cases

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is

not affected.

[1993 c 431 § 8.]

INTERSTATE, OTHER HIGHWAY IMPROVEMENTS--1993 ACT

RCW 47.10.819 Issuance and sale of general obligation bonds.

Applicable Cases

In order to provide funds necessary for the location, design, right of way, and construction of selected interstate and other highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission a total of one hundred million dollars of general obligation bonds of the state of Washington for the following purposes and specified sums:

(1) Not to exceed twenty-five million dollars to pay the state's and local governments' share of matching funds for the ten demonstration projects identified in the Intermodal Surface Transportation Efficiency Act of 1991.

(2) Not to exceed fifty million dollars to temporarily pay the regular federal share of construction in advance of federal-aid apportionments as authorized by this section.

(3) Not to exceed twenty-five million dollars for loans to local governments to provide the required matching funds to take advantage of available federal funds. These loans shall be on such terms and conditions as determined by the Washington state transportation commission, but in no event may the loans be for a period of more than ten years. The interest rate on the loans authorized under this subsection shall be equal to the interest rate on the bonds sold for such purposes.

[1993 c 432 § 1.]

RCW 47.10.820 Administration and amount of sale.

Applicable Cases

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.819 through 47.10.824 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.819 through 47.10.824 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1993 c 432 § 2.]

RCW 47.10.821 Proceeds--Deposit and use.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 47.10.819 through 47.10.824 shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in RCW 47.10.819, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1993 c 432 § 3.]

RCW 47.10.822 Statement of general obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the authority of RCW 47.10.819 through 47.10.824 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.10.819 through 47.10.824 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.819 through 47.10.824, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.819 through 47.10.824.

[1995 c 274 § 9; 1993 c 432 § 4.]

RCW 47.10.823 Designation of funds to repay bonds and interest.

Applicable Cases

Both principal and interest on the bonds issued for the purposes of RCW 47.10.819 through 47.10.824 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.819 through 47.10.824 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues

from the motor vehicle fuel or special fuel taxes that are distributed to the state, counties, cities, and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

[1993 c 432 § 5.]

RCW 47.10.824 Equal charge against fuel tax revenues.

Applicable Cases

Bonds issued under the authority of RCW 47.10.819 through 47.10.823 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1993 c 432 § 6.]

RCW 47.10.825 Severability--1993 c 432.

Applicable Cases

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

[1993 c 432 § 8.]

PUBLIC-PRIVATE TRANSPORTATION INITIATIVES--1994 ACT

RCW 47.10.834 Issuance and sale of general obligation bonds.

Applicable Cases

In order to provide funds necessary to implement the public-private transportation initiatives authorized by chapter 47.46 RCW, there shall be issued and sold upon the request of the Washington state transportation commission a total of twenty-five million six hundred twenty-five thousand dollars of general obligation bonds of the state of Washington.

[1995 2nd sp.s. c 15 § 2; 1994 c 183 § 2.]

Notes:

Severability--1995 2nd sp.s. c 15: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1995 2nd sp.s. c 15 § 9.]

Effective date--1995 2nd sp.s. c 15: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 16, 1995]." [1995 2nd sp.s. c 15 § 10.]

Finding--1994 c 183: "The legislature finds and declares:

Successful implementation of the public-private transportation initiatives program authorized in chapter 47.46 RCW may require the financial participation of the state in projects authorized in that chapter.

The participation may take the form of loans, loan guarantees, user charge guarantees, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, or such other cash contribution arrangements as may improve the ability of the private entities sponsoring the projects to obtain financing.

It is in the best interests of the people of the state that state funding of possible financial participation in the projects authorized under chapter 47.46 RCW be in the form of long-term bonds. In order to repay expenditures incurred in the 1993-1995 biennium, up to two million two hundred thousand dollars of these bonds may be expended on highway improvement projects, under chapter 47.05 RCW." [1995 2nd sp.s. c 15 § 1; 1994 c 183 § 1.]

RCW 47.10.835 Administration and amount of sale.

Applicable Cases

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.834 through 47.10.841 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.834 through 47.10.841 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. In making such appropriation of the net proceeds of the sale of the bonds, the legislature shall specify what portion of the appropriation is provided for possible loans and what portion of the appropriation is provided for other forms of cash contributions to projects.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1994 c 183 § 3.]

RCW 47.10.836 Proceeds--Deposit and use.

Applicable Cases

(1) The proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 that are in support of possible loans as specified under RCW 47.10.835 shall be deposited into the motor vehicle fund. The proceeds shall be available only for the purposes of making loans to entities authorized to undertake projects selected under chapter 47.46 RCW as enumerated in RCW 47.10.835, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

(2) The proceeds from the sale of bonds authorized by RCW 47.10.834 through 47.10.841 that are in support of all forms of cash contributions to projects selected under chapter 47.46 RCW, including incidental costs incurred by the department in direct support of activities required under chapter 47.46 RCW, except loans shall be deposited into the motor vehicle fund. The proceeds shall be available only for the purposes of making any contributions except loans to projects selected under chapter 47.46 RCW, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

(3) Up to two million two hundred thousand dollars of the proceeds from the sale of

bonds authorized by RCW 47.10.834 through 47.10.841 may be expended on highway improvement projects under chapter 47.05 RCW and for the payment of bond issuance cost, including the cost of underwriting. Such proceeds shall be deposited into the motor vehicle fund.

[1995 2nd sp.s. c 15 § 3; 1994 c 183 § 4.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.837 Designation of funds to repay bonds and interest.

Applicable Cases

Principal and interest payments made on loans authorized by chapter 47.46 RCW shall be deposited into the motor vehicle fund and shall be available for the payment of principal and interest on bonds authorized by RCW 47.10.834 through 47.10.841 and for such other purposes as may be specified by law.

[1995 2nd sp.s. c 15 § 4; 1994 c 183 § 5.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.838 Statement of general obligation--Pledge of excise taxes.

Applicable Cases

(1) Bonds issued under the authority of RCW 47.10.834 through 47.10.841 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due.

(2) The principal and interest on the bonds issued for the purposes enumerated in RCW 47.10.836 shall be first payable in the manner provided in RCW 47.10.834 through 47.10.841 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of those excise taxes are pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.834 through 47.10.841, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.834 through 47.10.841.

[1995 2nd sp.s. c 15 § 5; 1994 c 183 § 6.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.839 Repayment procedure--Bond retirement fund.

Applicable Cases

(1) Both principal and interest on the bonds issued for the purposes of RCW 47.10.834 through 47.10.841 are payable from the highway bond retirement fund.

(2) The state finance committee shall, on or before June 30th of each year certify to the state treasurer the amount required for principal and interest on the bonds issued for the purposes specified in RCW 47.10.836 in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit into the highway bond retirement fund such amounts, and at such times, as are required by the bond proceedings.

(3) Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.834 through 47.10.841 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels which is, or may be appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, or towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

(4) Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel and special fuel taxes that are distributable to the state, counties, cities, or towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

[1995 2nd sp.s. c 15 § 6; 1994 c 183 § 7.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.841 Equal charge against motor vehicle excise tax revenues.

Applicable Cases

Bonds issued under the authority of RCW 47.10.834 through 47.10.839 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels taxes for the payment of principal and interest thereon are an equal charge against the revenues from the motor vehicle and special fuels excise taxes.

[1995 2nd sp.s. c 15 § 7; 1994 c 183 § 9.]

Notes:

Severability--Effective date--1995 2nd sp.s. c 15: See notes following RCW 47.10.834.

RCW 47.10.842 Severability--1994 c 183.

Applicable Cases

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

[1994 c 183 § 11.]

STATE AND LOCAL HIGHWAY IMPROVEMENTS--1998 ACT

RCW 47.10.843 Bond issue authorized.

Applicable Cases

In order to provide funds necessary for the location, design, right of way, and construction of state and local highway improvements, there shall be issued and sold upon the request of the Washington state transportation commission a maximum of one billion nine hundred million dollars of general obligation bonds of the state of Washington.

[1998 c 321 § 16 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 47.10.844 Administration and amount of sale.

Applicable Cases

Upon the request of the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.843 through 47.10.848 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.843 through 47.10.848 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

[1998 c 321 § 17 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 47.10.845 Proceeds--Deposit and use.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 47.10.843 through 47.10.848 shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in RCW 47.10.843, for the payment of bond anticipation notes, if any, and

for the payment of bond issuance costs, including the costs of underwriting.

[1998 c 321 § 18 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 47.10.846 Statement of general obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the authority of RCW 47.10.843 through 47.10.848 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in RCW 47.10.843 through 47.10.848 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.843 through 47.10.848, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.10.843 through 47.10.848.

[1998 c 321 § 19 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 47.10.847 Repayment procedure--Bond retirement fund.

Applicable Cases

Both principal and interest on the bonds issued for the purposes of RCW 47.10.843 through 47.10.848 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.843 through 47.10.848 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or

may be, appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns, shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

[1998 c 321 § 20 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

RCW 47.10.848 Equal charge against motor vehicle and special fuels tax revenues.

Applicable Cases

Bonds issued under the authority of RCW 47.10.843 through 47.10.847 and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

[1998 c 321 § 21 (Referendum Bill No. 49, approved November 3, 1998).]

Notes:

Purpose--Severability--1998 c 321: See notes following RCW 82.44.110.

Effective dates--Application--1998 c 321 §§ 1-21, 44, and 45: See note following RCW 82.44.110.

Contingent effective dates--1998 c 321 §§ 23-42: See note following RCW 82.50.410.

Referral to electorate--1998 c 321 §§ 1-21 and 44-46: See note following RCW 82.44.110.

Chapter 47.12 RCW

ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY

RCW

- 47.12.010 Acquisition of property authorized--Condemnation actions--Cost.
- 47.12.011 Purchase options authorized.
- 47.12.023 Acquisition of state lands or interests or rights therein--Procedures--Compensation--Reacquisition by department of natural resources.
- 47.12.026 Acquisition of state lands or interests or rights therein--Easements--Removal of materials--Relocation of railroad tracks.
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- 47.12.300 Sale of unneeded property--Department of transportation--Authorized--Rules.
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Notes:

Acquisition of rights of way, city streets: RCW 47.24.030.

RCW 47.12.010 Acquisition of property authorized--Condemnation actions--Cost.

Applicable Cases

Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries, or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the department of transportation is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase, or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the secretary of transportation shall, in the absence of bad faith, arbitrary, capricious, or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites, and structure sites or other lands are acquired.

[1977 ex.s. c 151 § 46; 1967 c 108 § 4; 1961 c 13 § 47.12.010. Prior: 1937 c 53 § 25, part; RRS § 6400-25, part.]

Notes:

Urban public transportation system defined: RCW 47.04.082.

Right of way donations: Chapter 47.14 RCW.

RCW 47.12.011 Purchase options authorized.

Applicable Cases

Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the department deems it to be in the best interest of the general public, the department may secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway.

[1984 c 7 § 114; 1961 c 13 § 47.12.011. Prior: 1955 c 49 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.023 Acquisition of state lands or interests or rights therein--Procedures--Compensation--Reacquisition by department of natural resources.

Applicable Cases

(1) Except as provided in RCW 47.12.026 and 47.12.029, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of transportation may acquire jurisdiction over the lands or interests in lands, or acquire rights to remove materials from the lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of transportation may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of transportation at the time of filing its notice of intent as provided in subsection (2) of this section shall file therewith a written statement showing the total amount of just compensation to be paid for the property in the event of settlement. The offer shall be based upon the department of transportation approved appraisal of the fair market value of the property to be acquired. In no event may the offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of just compensation.

(4) Just compensation and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the condemnation of private and public property for public purposes.

(5) If the department of natural resources does not accept the offer of the department of transportation, the department of transportation may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the property pending the determination of just compensation in the manner hereinafter provided.

(6) If the amount of just compensation is not agreed to, either the department of natural resources or the department of transportation may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of transportation for the acquisition of jurisdiction over the lands or interests in lands or rights therein. In that event the department of natural resources and the department of transportation may jointly agree on an arbitrator to determine the compensation, and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of transportation are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of transportation or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of just compensation to be paid. The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of transportation has acquired immediate possession and

use of property by payment of the amount of its offer to the department of natural resources, and the arbitration award or judgment of the court for the acquisition exceeds the payment for immediate possession and use, the department of transportation shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. If the arbitration or court award is less than the amount previously paid by the department of transportation for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of transportation.

(8) Upon the payment of just compensation, as agreed to by the department of transportation and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of transportation an instrument transferring jurisdiction over the lands or interests in lands, or rights to remove material from the lands, to the department of transportation.

(9) Except as provided in RCW 47.12.026, whenever the department of transportation ceases to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over the lands or interests in land by paying the fair market value thereof to the department of transportation. If the two departments are unable to agree on the fair market value of the lands or interests in lands, the market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

[1984 c 7 § 115; 1977 ex.s. c 103 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.026 Acquisition of state lands or interests or rights therein--Easements--Removal of materials--Relocation of railroad tracks.

Applicable Cases

(1) The department of transportation may acquire an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, including the right to make necessary fills, on, over, or across the beds of navigable waters which are under the jurisdiction of the department of natural resources, in accordance with the provisions of RCW 47.12.023, except that no charge may be made to the department of transportation for such an easement.

(2) The department of transportation may obtain an easement for highway or toll facilities purposes or for ferry terminal or docking facilities on, over, or across harbor areas in accordance with RCW 47.12.023 but only when the areas are approved by the harbor line commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No charge may be made to the department of transportation for such an easement.

(3) Upon the selection by the department of transportation of an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, as authorized in subsections (1) and (2) of this section, the department of natural resources shall cause to be executed and

delivered to the department of transportation an instrument transferring the easement. Whenever the state no longer requires the easement for highway or toll facilities right of way or for ferry terminal or docking facilities, the easement shall automatically terminate and the department of transportation shall, upon request, cause to be executed an instrument relinquishing to the department of natural resources all of its interest in the lands.

(4) The department of transportation, pursuant to the procedures set forth in RCW 47.12.023, may remove sand and gravel and borrow materials and stone from the beds of navigable waters under the jurisdiction of the department of natural resources which lie below the line of ordinary high water upon the payment of fair market value per cubic yard for such materials to be determined in the manner set forth in RCW 47.12.023.

(5) The department of transportation may acquire full jurisdiction over lands under the jurisdiction of the department of natural resources including the beds of navigable waters that are required for the relocation of the operating tracks of any railroad that will be displaced by the acquisition of such railroad property for state highway purposes. The department of transportation may exchange lands so acquired in consideration or partial consideration for the land or property rights needed for highway purposes and may cause to be executed a conveyance of the lands in the manner prescribed in RCW 47.12.150. In that event the department of transportation shall pay to the department of natural resources, as just compensation for the acquisition, the fair market value of the property, including the beds of any navigable waters, to be determined in accordance with procedures set forth in RCW 47.12.023.

[1984 c 7 § 116; 1977 ex.s. c 103 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.029 Acquisition of state lands or interests or rights therein--Certain purposes prohibited.

Applicable Cases

The department of transportation shall not acquire jurisdiction of any lands or interest in lands under the jurisdiction of the department of natural resources for any of the purposes set forth in RCW 47.12.150, 47.12.160, 47.12.180, 47.12.250, and 47.12.270.

[1984 c 7 § 117; 1977 ex.s. c 103 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.040 Acquisition of property from a political subdivision.

Applicable Cases

Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the county legislative authority or the board of directors or governing body of any such

political or municipal subdivision are authorized to directly lease, sell, or convey by gift the land or any interest therein to the state of Washington, without requiring competitive bids or notice to the public, and at such price as the legislative authority, directors, or governing body may deem for the best interests of the county or for the best interests of the political or municipal subdivision of the state. The county legislative authority or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to the land, passing title to the state of Washington, and the instrument need not require consideration other than the benefit which may be derived by the grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and the state highway is upon the former route of a county road, the county legislative authority shall cause the title to the existing right of way or so much thereof as the department requires to be transferred to the state of Washington by proper instrument.

[1984 c 7 § 118; 1961 c 13 § 47.12.040. Prior: 1943 c 266 § 1; 1937 c 53 § 26; Rem. Supp. 1943 § 6400-26.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.044 Proceedings to acquire property or rights for highway purposes--Precedence.

Applicable Cases

Court proceedings necessary to acquire property or property rights for highway purposes pursuant to RCW 47.12.010 take precedence over all other causes not involving the public interest in all courts in cases where the state is unable to secure an order granting it immediate possession and use of the property or property rights pursuant to RCW 8.04.090 through 8.04.094.

[1983 c 140 § 2.]

RCW 47.12.050 Work on remaining land as payment.

Applicable Cases

Whenever it is considered in the securing of any lands for state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed, the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the department as all or a part of the consideration or satisfaction of the judgment therefor, in which event the department may perform the work as a portion of the right of way cost of the state highway.

[1984 c 7 § 119; 1961 c 13 § 47.12.050. Prior: 1937 c 53 § 27; RRS § 6400-27.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.063 Surplus real property program.

Applicable Cases

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or improvements or for construction of improvements at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) Regional transit authorities created under chapter 81.112 RCW;
- (e) The former owner of the property from whom the state acquired title;
- (f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;
- (g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;
- (h) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050;
- (i) To any other owner of real property required for transportation purposes; or
- (j) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW.

(3) Sales to purchasers may at the department's option be for cash, by real estate contract, or exchange of land or improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(4) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

[1999 c 210 § 1; 1993 c 461 § 11; 1988 c 135 § 1; 1983 c 3 § 125; 1977 ex.s. c 78 § 1.]

Notes:

Finding--1993 c 461: See note following RCW 43.63A.510.

RCW 47.12.064 Affordable housing--Inventory of suitable property.

Applicable Cases

(1) The department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of community, trade, and economic development by November 1, 1993, and every November 1 thereafter.

(2) By November 1 of each year, beginning in 1994, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

[1995 c 399 § 121; 1993 c 461 § 10.]

Notes:

Finding--1993 c 461: See note following RCW 43.63A.510.

RCW 47.12.066 Sale or lease of personal property--Provision of services--Proceeds.

Applicable Cases

(1) The department may sell at fair market value, or lease at rental value (economic rent), materials or other personal property to any United States agency or to any municipal corporation, political subdivision, or another agency of the state and may provide services to any United States agency or to any municipal corporation, political subdivision, or another agency of the state at actual cost, including a reasonable amount for indirect costs.

(2) The department may sell at fair market value materials or other personal property to any private utility company regulated by the utilities and transportation commission for the purpose of making emergency repairs to utility facilities or to protect such facilities from imminent damage upon a finding in writing by the secretary that an emergency exists.

(3) The proceeds of all sales and leases under this section shall be placed in the motor vehicle fund.

[1984 c 7 § 120; 1977 ex.s. c 78 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.080 Sale or exchange of unused land.

Applicable Cases

The secretary of transportation may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state, or to any public utility company, any unused state-owned real property under the jurisdiction of the department of transportation when, in the judgment of the secretary of transportation and the

attorney general, the transfer and conveyance is consistent with public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, and the attorney general concurs therein, the secretary shall execute and deliver unto the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

[1984 c 7 § 121. Prior: 1977 ex.s. c 151 § 49; 1977 ex.s. c 78 § 5; 1975 1st ex.s. c 96 § 3; 1961 c 13 § 47.12.080; prior: 1945 c 127 § 1; Rem. Supp. 1945 § 6400-120.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.120 Lease of unused highway land or air space.

Applicable Cases

The department is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed, upon such terms and conditions as the department may determine.

[1977 ex.s. c 151 § 50; 1969 c 91 § 1; 1961 c 13 § 47.12.120. Prior: 1949 c 162 § 1; Rem. Supp. 1949 § 6400-122.]

RCW 47.12.125 Lease of unused highway land or air space--Disposition of proceeds.

Applicable Cases

All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the department's advance right of way revolving fund, except moneys that are subject to federal aid reimbursement and moneys received from rental of capital facilities properties, which shall be deposited in the motor vehicle fund.

[1999 c 94 § 15; 1991 c 291 § 3; 1961 c 13 § 47.12.125. Prior: 1949 c 162 § 2; Rem. Supp. 1949 § 6400-123.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 47.12.140 Severance and sale of timber and other personalty--Removal of nonmarketable materials.

Applicable Cases

Whenever the department has acquired any lands for transportation purposes, except state granted lands, upon which are located any structures, timber, or other thing of value attached to the land that the department deems it best to sever from the land and sell as personal property, the same may be disposed of by one of the following means:

(1) The department may sell the personal property at public auction after due notice has been given in accordance with general rules adopted by the secretary. The department may set minimum prices that will be accepted for any item offered for sale at public auction as provided

in this section and may prescribe terms or conditions of sale. If an item is offered for sale at the auction and no satisfactory bids are received or the amount bid is less than the minimum set by the department, the department may sell the item at private sale for the best price that it deems obtainable, but not less than the highest price bid at the public auction. The proceeds of all sales under this section must be placed in the motor vehicle fund.

(2) The department may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils that have no market value in place and that the department desires to be removed from state-owned lands that are under the jurisdiction of the department. An applicant for a permit must certify that the materials so removed are to be used by the applicant and that they will not be disposed of to any other person. Removal of materials under the permit must be in accordance with rules adopted by the department. The fee for a permit is two dollars and fifty cents, which fee must be deposited in the motor vehicle fund. The department may adopt rules providing for special access to limited access facilities for the purpose of removal of materials under permits authorized in this section.

(3) The department may sell timber or logs to an abutting landowner for cash at full appraised value, but only after each other abutting owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting owner requests in writing the right to purchase the timber within fifteen days after receiving notice of the proposed sale, the timber must be sold in accordance with subsection (1) of this section.

(4) The department may sell timber or logs having an appraised value of one thousand dollars or less directly to interested parties for cash at the full appraised value without notice or advertising. If the timber is attached to state-owned land, the department shall issue a permit to the purchaser of the timber to allow for the removal of the materials from state land. The permit fee is two dollars and fifty cents.

[1997 c 240 § 1; 1981 c 260 § 12. Prior: 1977 ex.s. c 151 § 52; 1977 ex.s. c 78 § 6; 1961 c 13 § 47.12.140; prior: 1953 c 42 § 1.]

RCW 47.12.150 Acquisition, exchange of property to relocate displaced facility.

Applicable Cases

Whenever the department shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the department is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The secretary of transportation shall execute each conveyance, which shall be duly acknowledged, necessary to accomplish such exchange.

[1977 ex.s. c 151 § 53; 1975 1st ex.s. c 96 § 5; 1961 c 13 § 47.12.150. Prior: 1953 c 55 § 1.]

RCW 47.12.160 Acquisition of land outside highway right of way to minimize damage.

Applicable Cases

Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of the severance claims or damages, the department may acquire by gift, purchase, or condemnation the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other property needed for highway purposes. The provisions of this section do not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his property.

[1984 c 7 § 122; 1961 c 13 § 47.12.160. Prior: 1953 c 131 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.170 Sale, lease of unneeded toll facility, ferry system property--Franchises for utility, railway purposes.

Applicable Cases

See RCW 47.56.253 through 47.56.257.

RCW 47.12.180 Additional financing methods for property and engineering costs--Formal declarations.

Applicable Cases

It is declared to be the public policy of the state of Washington to provide for the acquisition of real property and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of the property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The department is hereby authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240 or alternatively by the method provided in RCW 47.12.242 through 47.12.246. Neither method may be used to condemn property or property rights in advance of programmed construction until the department has complied with hearing procedures required for the location or relocation of the type of highway for which the property is to be condemned.

[1984 c 7 § 123; 1969 ex.s. c 197 § 1; 1961 c 281 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 281: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 281 § 12.]

RCW 47.12.190 Additional financing methods for property and engineering costs--Purchase or condemnation.

Applicable Cases

The department, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the secretary of transportation is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action.

[1977 ex.s. c 151 § 54; 1961 c 281 § 2.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.200 Additional financing methods for property and engineering costs--Agreements with state finance committee.

Applicable Cases

The transportation commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the transportation commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project.

[1977 ex.s. c 151 § 55; 1969 ex.s. c 197 § 2; 1961 c 281 § 3.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.210 Additional financing methods for property and engineering costs--Warrants on motor vehicle fund.

Applicable Cases

Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in payment for the property covered by the agreement and the engineering costs necessary for such advance purchase or condemnation. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders

thereof to the state treasurer, from any moneys available for investment in the state treasury as provided in RCW 43.84.080: PROVIDED, That in no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring property as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in RCW 47.12.180 through 47.12.240.

[1981 c 3 § 38; 1969 ex.s. c 197 § 3; 1961 c 281 § 4.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

Severability--1961 c 281: See note following RCW 47.12.180.

Authorization that certain funds may be invested in motor vehicle fund warrants: RCW 43.84.080.

RCW 47.12.220 Additional financing methods for property and engineering costs--Mandatory, permissive, provisions in agreement.

Applicable Cases

Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement;

(2) A designation of the specific fund or funds to be used to carry out such agreement;

(3) A provision that the department of transportation may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the department of transportation shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier;

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee;

(5) Any additional provisions agreed upon by the transportation commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240, as now or hereafter amended.

[1977 ex.s. c 151 § 56; 1969 ex.s. c 197 § 4; 1961 c 281 § 5.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.230 Additional financing methods for property and engineering costs--Warrant form and procedure.

Applicable Cases

Warrants issued for payment of property and engineering costs as provided herein shall be of a distinctive design and shall contain the words "for purchase by the state finance committee from fund" (indicating the proper investing fund as provided by the agreement). Such warrants shall be approved by the secretary of the state finance committee prior to their issuance by the state treasurer. Upon presentation of such warrants to the state treasurer for payment, he shall pay the par value thereof from the fund for which the state finance committee agreed to

purchase such warrants whether or not there are then funds in the motor vehicle fund. The state treasurer shall deposit such warrants in the treasury for the investing fund.

[1969 ex.s. c 197 § 5; 1961 c 281 § 6.]

Notes:

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.240 Additional financing methods for property and engineering costs--Payment procedure--Prior charge.

Applicable Cases

The state treasurer shall transfer from the motor vehicle fund to the credit of the fund purchasing such warrants interest at the rate and at the times provided for in the agreement. The state treasurer shall pay the warrants at the time provided for in the agreement. The obligations coming due are a prior charge against any funds in the motor vehicle fund available to the department for construction of state highways.

[1984 c 7 § 124; 1961 c 281 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 281: See note following RCW 47.12.180.

RCW 47.12.242 "Advance right of way acquisition" defined.

Applicable Cases

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not more than ten years in advance of programmed highway construction projects, together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved by the commission as part of the state's six-year plan or included in the state's route development planning effort.

[1991 c 291 § 1; 1969 ex.s. c 197 § 6.]

RCW 47.12.244 Advance right of way revolving fund.

Applicable Cases

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in *chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

[1991 c 291 § 2; 1984 c 7 § 125; 1969 ex.s. c 197 § 7.]

Notes:

***Reviser's note:** Chapter 47.13 RCW was repealed by 1999 c 94 § 33, effective July 1, 1999.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.246 Reimbursement to advance right of way revolving fund.

Applicable Cases

(1) After any properties or property rights are acquired from funds in the advance right of way revolving fund, the department shall manage the properties in accordance with sound business practices. Funds received from interim management of the properties shall be deposited in the advance right of way revolving fund.

(2) When the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the department shall reimburse the advance right of way revolving fund, from other funds available to it, the current appraised value of the property or property rights required for the project together with damages caused to the remainder by the acquisition after offsetting against all such compensation and damages the special benefits, if any, accruing to the remainder by reason of the state highway being constructed.

(3) When the department determines that any properties or property rights acquired from funds in the advance right of way revolving fund will not be required for a highway construction project the department may sell the property at fair market value in accordance with requirements of RCW 47.12.063. All proceeds of such sales shall be deposited in the advance right of way revolving fund.

(4) Deposits in the fund may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248 without further or additional appropriations.

[1991 c 291 § 4; 1984 c 7 § 126; 1969 ex.s. c 197 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.248 Structures acquired in advance of programmed construction--Maintenance.

Applicable Cases

Whenever the department purchases or condemns any property under RCW 47.12.180 through 47.12.240 or 47.12.242 through 47.12.246, the department shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance.

[1984 c 7 § 127; 1969 ex.s. c 197 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.250 Acquisition of property for preservation, safety, buffer purposes.

Applicable Cases

The department is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real property adjacent to state highways for the preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties. However, the department shall not acquire, by condemnation, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under RCW 47.12.010 and 47.12.250 if the owner objects to the taking of a lesser interest or right.

[1984 c 7 § 128; 1967 c 108 § 5; 1965 ex.s. c 170 § 62.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Roadside areas--Safety rest areas: Chapter 47.38 RCW.

Scenic and Recreational Highway Act: Chapter 47.39 RCW.

RCW 47.12.260 Acquisition of real property subject to local improvement assessments--Payment.

Applicable Cases

See RCW 79.44.190.

RCW 47.12.270 Acquisition of property for park and ride lots.

Applicable Cases

The department may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The department may obtain and exercise options for the purchase of property to be used for purposes described in this section. The department shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless the facility has been approved by the department in advance of its acquisition or construction.

[1984 c 7 § 129; 1973 2nd ex.s. c 18 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.283 Sale of real property authorized--Procedure--Disposition of proceeds.

Applicable Cases

(1) Whenever the department of transportation determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for highway purposes and that it is in the public interest to do so, the department may, in its discretion, sell the property under RCW 47.12.063 or under subsections (2) through (6) of this section.

(2) Whenever the department determines to sell real property under its jurisdiction at

public auction, the department shall first give notice thereof by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) The department shall sell the property at the public auction, in accordance with the terms set forth in the notice, to the highest and best bidder providing the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property shall be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property pursuant to this subsection shall be in writing and may be rejected at any time prior to written acceptance by the department.

(5) Before the department shall approve any offer for the purchase of real property having an appraised value of more than ten thousand dollars, pursuant to subsection (4) of this section, the department shall first publish a notice of the proposed sale in a local newspaper of general circulation in the area where the property is located. The notice shall include a description of the property, the selling price, the terms of the sale, including the price and interest rate if sold by real estate contract, and the name and address of the department employee or the real estate broker handling the transaction. The notice shall further state that any person may, within ten days after the publication of the notice, deliver to the designated state employee or real estate broker a written offer to purchase the property for not less than ten percent more than the negotiated sale price, subject to the same terms and conditions. A subsequent offer shall not be considered unless it is accompanied by a deposit of twenty percent of the offer in the form of cash, money order, cashiers check, or certified check payable to the Washington state treasurer, to be forfeited to the state (for deposit in the motor vehicle fund) if the offeror fails to complete the sale if the offeror's offer is accepted. If a subsequent offer is received, the first offeror shall be informed by registered or certified mail sent to the address stated in his offer. The first offeror shall then have ten days, from the date of mailing the notice of the increased offer, in which to file with the designated state employee or real estate broker a higher offer than that of the subsequent offeror. After the expiration of the ten day period, the department shall approve in writing the highest and best offer which the department then has on file.

(6) All moneys received pursuant to this section, less any real estate broker's commissions paid pursuant to RCW 47.12.320, shall be deposited in the motor vehicle fund.

[1979 ex.s. c 189 § 1.]

Notes:

Effective date--1979 ex.s. c 189: "This 1979 act is necessary for the immediate preservation of the public

peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1979." [1979 ex.s. c 189 § 8.]

RCW 47.12.287 Exchange of real property authorized--Conveyance by deed.

Applicable Cases

The department of transportation is hereby authorized to enter into an exchange agreement with the owner of real property required for highway purposes to convey to such owner real property, owned by the state and under the department's jurisdiction, as full or part consideration for property to be acquired for highway purposes. Such an exchange agreement may relate back and apply to any exchange of property previously agreed to and partially executed (pursuant to an earlier exchange agreement found to be void for want of a governor's deed as required by prior law), and shall be subject to such agreed terms and conditions as are authorized by RCW 47.12.063(3) as now existing or hereafter amended. Any conveyance from the state of Washington made pursuant to this section shall be by deed executed by the secretary of transportation, which shall be duly acknowledged.

[1979 ex.s. c 189 § 2.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

RCW 47.12.290 Sale of real property--Execution, acknowledgement, and delivery of deed.

Applicable Cases

When full payment for real property agreed to be sold as authorized by RCW 47.12.283 has been received, the secretary of transportation shall execute the deed which shall be duly acknowledged and deliver it to the grantee.

[1979 ex.s. c 189 § 3; 1975 1st ex.s. c 96 § 6; 1973 1st ex.s. c 177 § 2.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

RCW 47.12.300 Sale of unneeded property--Department of transportation--Authorized--Rules.

Applicable Cases

See RCW 47.56.254.

RCW 47.12.301 Sale of unneeded property--Department of transportation--Certification to governor--Execution, delivery of deed.

Applicable Cases

See RCW 47.56.255.

RCW 47.12.302 Department of transportation--Sale of unneeded property.

Applicable Cases

See RCW 47.60.130.

RCW 47.12.320 Sale of property--Listing with broker.

Applicable Cases

The department may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services.

[1984 c 7 § 130; 1973 1st ex.s. c 177 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.12.330 Advanced environmental mitigation--Authorized.

Applicable Cases

For the purpose of environmental mitigation of transportation projects, the department may acquire or develop, or both acquire and develop, environmental mitigation sites in advance of the construction of programmed projects. The term "advanced environmental mitigation" means mitigation of adverse impacts upon the environment from transportation projects before their design and construction. Advanced environmental mitigation consists of the acquisition of property; the acquisition of property, water, or air rights; the development of property for the purposes of improved environmental management; engineering costs necessary for such purchase and development; and the use of advanced environmental mitigation sites to fulfill project environmental permit requirements. Advanced environmental mitigation must be conducted in a manner that is consistent with the definition of mitigation found in the council of environmental quality regulations (40 C.F.R. Sec. 1508.20) and the governor's executive order on wetlands (EO 90-04). Advanced environmental mitigation is for projects approved by the transportation commission as part of the state's six-year plan or included in the state highway system plan. Advanced environmental mitigation must give consideration to activities related to fish passage, fish habitat, wetlands, and flood management. Advanced environmental mitigation may also be conducted in partnership with federal, state, or local government agencies, tribal governments, interest groups, or private parties. Partnership arrangements may include joint acquisition and development of mitigation sites, purchasing and selling mitigation bank credits among participants, and transfer of mitigation site title from one party to another. Specific conditions of partnership arrangements will be developed in written agreements for each applicable environmental mitigation site.

[1998 c 181 § 2; 1997 c 140 § 2.]

Notes:

Findings--1998 c 181: "The legislature finds that fish passage, fish habitat, wetlands, and flood management are critical issues in the effective management of watersheds in Washington. The legislature also finds that the state of Washington invests a considerable amount of resources on environmental mitigation activities related to fish passage, fish habitat, wetlands, and flood management. The department of transportation's advanced environmental mitigation revolving account established under RCW 47.12.340, is a key funding component in bringing environmental mitigation together with comprehensive watershed management." [1998 c 181 § 1.]

Intent--1997 c 140: "It is the intent of chapter 140, Laws of 1997 to provide environmental mitigation in

advance of the construction of programmed projects where desirable and feasible, [which] will provide a more efficient and predictable environmental permit process, increased benefits to environmental resources, and a key tool in using the watershed approach for environmental impact mitigation. The legislative transportation committee, through its adoption of the December 1994 report "Environmental Cost Savings and Permit Coordination Study," encourages state agencies to use a watershed approach based on a water resource inventory area in an improved environmental mitigation and permitting process. Establishment of an advanced transportation environmental mitigation revolving account would help the state to improve permit processes and environmental protection when providing transportation services." [1997 c 140 § 1.]

RCW 47.12.340 Advanced environmental mitigation revolving account.

Applicable Cases

The advanced environmental mitigation revolving account is created in the custody of the treasurer, into which the department shall deposit directly and may expend without appropriation:

- (1) An initial appropriation included in the department of transportation's 1997-99 budget, and deposits from other identified sources;
- (2) All moneys received by the department from internal and external sources for the purposes of conducting advanced environmental mitigation; and
- (3) Interest gained from the management of the advanced environmental mitigation revolving account.

[1997 c 140 § 3.]

Notes:

Intent--1997 c 140: See note following RCW 47.12.330.

RCW 47.12.350 Advanced environmental mitigation--Site management--Reimbursement of account.

Applicable Cases

(1) After advanced environmental mitigation is conducted from funds in the advanced environmental mitigation revolving account, the advanced environmental mitigation sites must be managed in accordance with any permits, agreements, or other legal documents under which the subject advanced environmental mitigation is conducted.

(2) When the department or any of its transportation partners proceeds with the construction of a transportation project that will use advanced environmental mitigation sites to meet the environmental mitigation needs of a project, the advanced environmental mitigation revolving account shall be reimbursed from those transportation project funds appropriated for the use of the advanced environmental mitigation sites. Reimbursements to the advanced environmental mitigation revolving account must be paid at a rate that captures:

- (a) Projected land acquisition costs for environmental mitigation for the subject transportation project;
- (b) Advanced environmental mitigation site development costs;
- (c) Advanced environmental mitigation site operational costs (e.g., site monitoring);
- (d) Administrative costs for the management of the advanced environmental revolving account.

These costs must be adjusted based on inflation, as appropriate.

When only a portion of an advanced environmental mitigation site is used, the reimbursement rate charged to the purchasing party will be prorated for the portion used.

[1997 c 140 § 4.]

Notes:

Intent--1997 c 140: See note following RCW 47.12.330.

RCW 47.12.360 Advanced environmental mitigation--Reports.

Applicable Cases

By January 1st of each odd-numbered year, the department shall report to the legislative transportation committee and the office of financial management:

- (1) Which properties were purchased and why;
- (2) Expenditures for the acquired parcels; and
- (3) Estimated savings from these actions.

[1997 c 140 § 5.]

Notes:

Intent--1997 c 140: See note following RCW 47.12.330.

**Chapter 47.14 RCW
RIGHT OF WAY DONATIONS**

RCW

- | | |
|-----------|--|
| 47.14.010 | Legislative finding, intent. |
| 47.14.020 | Definitions. |
| 47.14.030 | Credit against transportation benefit district assessment. |
| 47.14.040 | Advertising signs on donated parcel. |
| 47.14.050 | Department's duties. |
| 47.14.900 | Construction. |
| 47.14.910 | Severability--1987 c 267. |

RCW 47.14.010 Legislative finding, intent.

Applicable Cases

The legislature finds that in numerous areas throughout the state, rapid expansion of residential, commercial, industrial, and business activities is producing increased traffic levels. The legislature further finds that many property owners have exhibited a willingness to donate real property or property rights for transportation improvements to accommodate such increases in traffic. The legislature recognizes that the cost of right of way acquisition is often a significant, and even a prohibitive cost element in many transportation improvement projects.

The legislature seeks to encourage the voluntary donation of right of way to the state, counties, cities, and towns for transportation improvements recognizing that such donations can result in direct benefits to property owners, developers, and the community at large.

It is the intent of the legislature to further facilitate the department of transportation's

authority under RCW 47.12.010, 47.24.030, and 47.52.050 to accept donations of right of way for state transportation purposes. The legislature further intends to facilitate the authority of a city, town, or county to accept donations of right of way for other transportation purposes.

The legislature therefore declares it to be in the best interest and welfare of the citizens of Washington for the state department of transportation, and for counties, cities, and towns to actively foster and encourage donations of right of way by willing donors in all areas where transportation improvements are to be made. In addition, and in lieu of monetary compensation for property needed for right of way purposes, the legislature seeks to provide incentives to potential donors such as are set forth in RCW 47.14.030 and 47.14.040.

[1987 c 267 § 1.]

RCW 47.14.020 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

(1) "Right of way" means the area of land designated for transportation purposes.

(2) "Airspace" means the space above and below the gradeline of all highways, roads, and streets, and the area alongside the traveled way and within approved right of way lines.

[1987 c 267 § 2.]

RCW 47.14.030 Credit against transportation benefit district assessment.

Applicable Cases

The governing body of a transportation benefit district may give credit for all or any portion of any real property donation against an assessment, charge, or other required financial contribution for transportation improvements within a transportation benefit district established under RCW 36.73.020 or 35.21.225. The credit granted shall be available against any assessment, charge or other required financial contribution for any transportation purpose which utilizes the donated property.

[1987 c 267 § 3.]

RCW 47.14.040 Advertising signs on donated parcel.

Applicable Cases

The department or the county, city, or town to which the right of way is donated shall, upon request, grant the donor an airspace lease or a permit for the purpose of erecting or maintaining, or both, one or more signs advertising a business of the donor that is conducted on premises adjacent to the donated parcel unless the sign or signs would be detrimental to the safety and operation of the highway, road, or street. This provision applies to all highways, roads, and streets other than limited access highways and streets, where it applies only until the donated parcel becomes part of a completed operating facility. Except as provided in this section, any such sign shall conform to the requirements of all other applicable federal, state, and local laws and ordinances. The lease agreement or permit shall take into consideration applicable county and city zoning ordinances and may provide for compensation for removal of the sign in

accordance with applicable federal, state, and local laws and ordinances. The lease agreement or permit shall specify the conditions for signage.

[1987 c 267 § 4.]

RCW 47.14.050 Department's duties.

Applicable Cases

The department shall:

- (1) Give priority to the refinement and modification of right of way procedures and policies dealing with donation;
- (2) Reduce or simplify paperwork requirements resulting from right of way procurement;
- (3) Increase communication and education efforts as a means to solicit and encourage voluntary right of way donations;
- (4) Enhance communication and coordination with local governments through agreements of understanding that address state acceptance of right of way donations secured under zoning, use permits, subdivision, and associated police power authority of local government.

[1998 c 245 § 96; 1987 c 267 § 5.]

RCW 47.14.900 Construction.

Applicable Cases

Nothing in this chapter may be construed to contravene the requirements of chapter 8.26 RCW.

[1987 c 267 § 6.]

RCW 47.14.910 Severability--1987 c 267.

Applicable Cases

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

[1987 c 267 § 12.]

**Chapter 47.17 RCW
STATE HIGHWAY ROUTES**

RCW

- | | |
|-----------|---------------------------------|
| 47.17.001 | Criteria for changes to system. |
| 47.17.005 | State route No. 2. |
| 47.17.010 | State route No. 3. |
| 47.17.015 | State route No. 4. |
| 47.17.020 | State route No. 5. |
| 47.17.025 | State route No. 6. |
| 47.17.030 | State route No. 7. |

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47.17.035	State route No. 8.
47.17.040	State route No. 9.
47.17.045	State route No. 10.
47.17.050	State route No. 11.
47.17.055	State route No. 12.
47.17.060	State route No. 14.
47.17.065	State route No. 16.
47.17.070	State route No. 17.
47.17.075	State route No. 18.
47.17.077	State route No. 19.
47.17.080	State route No. 20.
47.17.081	State route No. 20 north.
47.17.085	State route No. 21.
47.17.090	State route No. 22.
47.17.095	State route No. 23.
47.17.100	State route No. 24.
47.17.105	State route No. 25.
47.17.110	State route No. 26.
47.17.115	State route No. 27.
47.17.120	State route No. 28.
47.17.130	State route No. 31.
47.17.132	State route No. 35.
47.17.133	State route No. 41.
47.17.135	State route No. 82.
47.17.140	State route No. 90--American Veterans Memorial Highway.
47.17.145	State route No. 92.
47.17.153	State route No. 96.
47.17.155	State route No. 97.
47.17.157	State route No. 97-alternate.
47.17.160	State route No. 99.
47.17.163	State route No. 100.
47.17.165	State route No. 101.
47.17.168	State route No. 102.
47.17.170	State route No. 103.
47.17.175	State route No. 104.
47.17.180	State route No. 105.
47.17.185	State route No. 106.
47.17.190	State route No. 107.
47.17.195	State route No. 108.
47.17.200	State route No. 109.
47.17.212	State route No. 110.
47.17.215	State route No. 112.
47.17.216	State route No. 113.
47.17.217	State route No. 115.
47.17.219	State route No. 116.
47.17.221	State route No. 117.
47.17.223	State route No. 119.
47.17.225	State route No. 121.
47.17.227	State route No. 122.

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47.17.230	State route No. 123.
47.17.235	State route No. 124.
47.17.240	State route No. 125.
47.17.250	State route No. 127.
47.17.255	State route No. 128.
47.17.260	State route No. 129.
47.17.262	State route No. 131.
47.17.275	State route No. 141.
47.17.280	State route No. 142.
47.17.285	State route No. 150.
47.17.295	State route No. 153.
47.17.300	State route No. 155.
47.17.305	State route No. 160.
47.17.310	State route No. 161.
47.17.315	State route No. 162.
47.17.317	State route No. 163.
47.17.320	State route No. 164.
47.17.325	State route No. 165.
47.17.328	State route No. 166.
47.17.330	State route No. 167.
47.17.335	State route No. 168.
47.17.340	State route No. 169.
47.17.345	State route No. 170.
47.17.350	State route No. 171.
47.17.355	State route No. 172.
47.17.360	State route No. 173.
47.17.365	State route No. 174.
47.17.370	State route No. 181.
47.17.372	State route No. 182.
47.17.375	State route No. 193.
47.17.377	State route No. 194.
47.17.380	State route No. 195.
47.17.382	State route No. 197.
47.17.385	State route No. 202.
47.17.390	State route No. 203.
47.17.395	State route No. 204.
47.17.400	State route No. 205.
47.17.405	State route No. 206.
47.17.410	State route No. 207.
47.17.416	State route No. 211.
47.17.417	State route No. 213.
47.17.419	State route No. 215.
47.17.425	State route No. 221.
47.17.430	State route No. 223.
47.17.435	State route No. 224.
47.17.436	State route No. 225.
47.17.440	State route No. 230.
47.17.445	State route No. 231.
47.17.455	State route No. 240.

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47.17.460	State route No. 241.
47.17.465	State route No. 243.
47.17.475	State route No. 260.
47.17.480	State route No. 261.
47.17.481	State route No. 262.
47.17.482	State route No. 263.
47.17.485	State route No. 270.
47.17.490	State route No. 271.
47.17.495	State route No. 272.
47.17.500	State route No. 274.
47.17.502	State route No. 276.
47.17.503	State route No. 278.
47.17.505	State route No. 281.
47.17.510	State route No. 282.
47.17.515	State route No. 283.
47.17.517	State route No. 285.
47.17.520	State route No. 290.
47.17.525	State route No. 291.
47.17.530	State route No. 292.
47.17.540	State route No. 300.
47.17.545	State route No. 302.
47.17.550	State route No. 303.
47.17.556	State route No. 304.
47.17.560	State route No. 305.
47.17.566	State route No. 307.
47.17.567	State route No. 308.
47.17.569	State route No. 310.
47.17.571	State route No. 339.
47.17.575	State route No. 395.
47.17.577	State route No. 397.
47.17.580	State route No. 401.
47.17.595	State route No. 405.
47.17.605	State route No. 409.
47.17.610	State route No. 410.
47.17.615	State route No. 411.
47.17.625	State route No. 432.
47.17.630	State route No. 433.
47.17.635	State route No. 500.
47.17.640	State route No. 501--Erwin O. Rieger Memorial Highway.
47.17.645	State route No. 502.
47.17.650	State route No. 503.
47.17.655	State route No. 504--Spirit Lake Memorial Highway.
47.17.660	State route No. 505.
47.17.665	State route No. 506.
47.17.670	State route No. 507.
47.17.675	State route No. 508.
47.17.680	State route No. 509.
47.17.685	State route No. 510.
47.17.690	State route No. 512.

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47.17.695	State route No. 513.
47.17.705	State route No. 515.
47.17.710	State route No. 516.
47.17.715	State route No. 518.
47.17.717	State route No. 519.
47.17.720	State route No. 520.
47.17.725	State route No. 522.
47.17.727	State route No. 523.
47.17.730	State route No. 524.
47.17.735	State route No. 525.
47.17.740	State route No. 526.
47.17.745	State route No. 527.
47.17.750	State route No. 528.
47.17.752	State route No. 529.
47.17.755	State route No. 530.
47.17.757	State route No. 531.
47.17.760	State route No. 532.
47.17.765	State route No. 534.
47.17.770	State route No. 536.
47.17.780	State route No. 538.
47.17.785	State route No. 539.
47.17.795	State route No. 542.
47.17.797	State route No. 543.
47.17.800	State route No. 544.
47.17.805	State route No. 546.
47.17.806	State route No. 547.
47.17.807	State route No. 548.
47.17.808	State route No. 599.
47.17.815	State route No. 702.
47.17.819	State route No. 705.
47.17.820	State route No. 706--Road to Paradise.
47.17.821	State route No. 730.
47.17.823	State route No. 821.
47.17.824	State route No. 823.
47.17.825	State route No. 900.
47.17.835	State route No. 902.
47.17.840	State route No. 903.
47.17.845	State route No. 904.
47.17.850	State route No. 906.
47.17.855	State route No. 908.
47.17.917	State route No. 970.
47.17.919	State route No. 971.
47.17.960	Local bridges--Department responsibility.
47.17.990	Construction--Refunds to counties composed of islands.

Notes:

Latitude in selecting route: RCW 47.28.010.

RCW 47.17.001 Criteria for changes to system.

Applicable Cases

In considering whether to make additions, deletions, or other changes to the state highway system, the legislature shall be guided by the following criteria as contained in the Road Jurisdiction Committee Phase I report to the legislature dated January 1987:

(1) A rural highway route should be designated as a state highway if it meets any of the following criteria:

- (a) Is designated as part of the national system of interstate and defense highways (popularly called the interstate system); or
- (b) Is designated as part of the system of numbered United States routes; or
- (c) Contains an international border crossing that is open twelve or more hours each day.

(2) A rural highway route may be designated as a state highway if it is part of an integrated system of roads and:

- (a) Carries in excess of three hundred thousand tons annually and provides primary access to a rural port or intermodal freight terminal;
- (b) Provides a major cross-connection between existing state highways;
- (c) Connects places exhibiting one or more of the following characteristics:
 - (i) A population center of one thousand or greater;
 - (ii) An area or aggregation of areas having a population equivalency of one thousand or more, such as, but not limited to, recreation areas, military installations, and so forth;
 - (iii) A county seat;
 - (iv) A major commercial-industrial terminal in a rural area with a population equivalency of one thousand or greater; or
- (d) Is designated as a scenic and recreational highway.

(3) An urban highway route that meets any of the following criteria should be designated as part of the state highway system:

- (a) Is designated as part of the interstate system;
- (b) Is designated as part of the system of numbered United States routes;
- (c) Is an urban extension of a rural state highway into or through an urban area and is necessary to form an integrated system of state highways;
- (d) Is a principal arterial that is a connecting link between two state highways and serves regionally oriented through traffic in urbanized areas with a population of fifty thousand or greater, or is a spur that serves regionally oriented traffic in urbanized areas.

(4) The following guidelines are intended to be used as a basis for interpreting and applying the criteria to specific routes:

(a) For any route wholly within one or more contiguous jurisdictions which would be proposed for transfer to the state highway system under these criteria, if local officials prefer, responsibility will remain at the local level.

(b) State highway routes maintain continuity of the system by being composed of routes that join other state routes at both ends or to arterial routes in the states of Oregon and Idaho and

the Province of British Columbia.

(c) Public facilities may be considered to be served if they are within approximately two miles of a state highway.

(d) Exceptions may be made to include:

(i) Rural spurs as state highways if they meet the criteria relative to serving population centers of one thousand or greater population or activity centers with population equivalencies or an aggregated population of one thousand or greater;

(ii) Urban spurs as state highways that provide needed access to Washington state ferry terminals, state parks, major seaports, and trunk airports; and

(iii) Urban connecting links as state highways that function as needed bypass routing of regionally oriented through traffic and benefit truck routing, capacity alternative, business congestion, and geometric deficiencies.

(e) In urban and urbanized areas:

(i) Unless they are significant regional traffic generators, public facilities such as state hospitals, state correction centers, state universities, ferry terminals, and military bases do not constitute a criteria for establishment of a state highway; and

(ii) There may be no more than one parallel nonaccess controlled facility in the same corridor as a freeway or limited access facility as designated by the metropolitan planning organization.

(f) When there is a choice of two or more routes between population centers, the state route designation shall normally be based on the following considerations:

(i) The ability to handle higher traffic volumes;

(ii) The higher ability to accommodate further development or expansion along the existing alignment;

(iii) The most direct route and the lowest travel time;

(iv) The route that serves traffic with the most interstate, state-wide, and interregional significance;

(v) The route that provides the optimal spacing between other state routes; and

(vi) The route that best serves the comprehensive plan for community development in those areas where such a plan has been developed and adopted.

(g) A route designated in chapter 47.39 RCW as a scenic and recreational highway may be designated as a state highway in addition to a parallel state highway route.

[1993 c 430 § 1; 1990 c 233 § 1.]

RCW 47.17.005 State route No. 2.

Applicable Cases

A state highway to be known as state route number 2 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence easterly by way of Monroe, Stevens Pass, and Leavenworth to a junction with state route number 97 in the vicinity of Peshastin; also

From a junction with state route number 97 in the vicinity of Peshastin, thence easterly by

way of Wenatchee, to a junction with state route number 97 in the vicinity of Orondo, thence easterly by way of Waterville, Wilbur, and Davenport to a junction with state route number 90 in the vicinity west of Spokane; also

Beginning at a junction with state route number 90 at Spokane, thence northerly to a junction with state route number 395 in the vicinity north of Spokane; also

From a junction with state route number 395 in the vicinity north of Spokane, thence northerly to a junction with state route number 20 at Newport; also

From a junction with state route number 20 at Newport, thence easterly to the Washington-Idaho boundary line.

[1997 c 155 § 1; 1987 c 199 § 1; 1970 ex.s. c 51 § 2.]

Notes:

Purpose--1970 ex.s. c 51: "This act is intended to assign state route numbers to existing state highways duly established by prior legislative act in lieu of primary state highway numbers and secondary state highway numbers. Nothing contained herein is intended to add any new section of highway to the state highway system or delete any section of highway from the state highway system." [1970 ex.s. c 51 § 179.] For codification of 1970 ex.s. c 51, see Codification Tables, Volume 0.

RCW 47.17.010 State route No. 3.

Applicable Cases

A state highway to be known as state route number 3 is established as follows:

Beginning at a junction with state route number 101 at Shelton, thence northeasterly to a junction with state route number 302 at Allyn; also

From that junction with state route number 302 at Allyn, thence northeasterly to a junction with state route number 106 in the vicinity of Belfair; also

From that junction with state route number 106 in the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to a junction with state route number 104 in the vicinity of Port Gamble.

[1970 ex.s. c 51 § 3.]

RCW 47.17.015 State route No. 4.

Applicable Cases

A state highway to be known as state route number 4 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence southeasterly by the most feasible route by way of Kelso to a junction with state route number 5.

[1970 ex.s. c 51 § 4.]

RCW 47.17.020 State route No. 5.

Applicable Cases

A state highway to be known as state route number 5 is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

[1970 ex.s. c 51 § 5.]

RCW 47.17.025 State route No. 6.

Applicable Cases

A state highway to be known as state route number 6 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence easterly by the most feasible route to a junction with state route number 5 at Chehalis.

[1970 ex.s. c 51 § 6.]

RCW 47.17.030 State route No. 7.

Applicable Cases

A state highway to be known as state route number 7 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Morton, thence northerly to a junction with state route number 706 at Elbe; also

From that junction with state route number 706 at Elbe, thence northerly to a junction with state route number 5 at Tacoma.

[1970 ex.s. c 51 § 7.]

RCW 47.17.035 State route No. 8.

Applicable Cases

A state highway to be known as state route number 8 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 west of Olympia.

[1987 c 199 § 2; 1970 ex.s. c 51 § 8.]

RCW 47.17.040 State route No. 9.

Applicable Cases

A state highway to be known as state route number 9 is established as follows:

Beginning at a junction with state route number 522 north of Woodinville, thence northerly by way of Snohomish, Arlington and Sedro Woolley to a junction with state route number 542, in the vicinity of Deming; also

Beginning at a junction with state route number 542, in the vicinity of Lawrence, thence northerly to the international boundary at Sumas.

[1970 ex.s. c 51 § 9.]

RCW 47.17.045 State route No. 10.

Applicable Cases

A state highway to be known as state route number 10 is established as follows:

Beginning at a junction with state route number 970 at Teanaway junction thence easterly to a junction with state route number 97 west of Ellensburg.

[1987 c 199 § 3; 1975 c 63 § 14; 1971 ex.s. c 73 § 1; 1970 ex.s. c 51 § 10.]

RCW 47.17.050 State route No. 11.

Applicable Cases

A state highway to be known as state route number 11 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Burlington, thence northerly by way of Blanchard to a junction with state route number 5 at Bellingham.

[1987 c 199 § 4; 1970 ex.s. c 51 § 11.]

RCW 47.17.055 State route No. 12.

Applicable Cases

A state highway to be known as state route number 12 is established as follows:

Beginning at a junction with state route number 101 at Aberdeen, thence easterly by way of Montesano and Elma to a junction with state route number 8 in the vicinity of Elma; also

From that junction with state route number 8 in the vicinity of Elma, thence southeasterly to a junction with state route number 5 in the vicinity north of Centralia; also

Beginning at a junction with state route number 5 in the vicinity south of Chehalis, thence easterly by way of Morton and White Pass to a junction with state route number 410 northwest of Yakima; also

From that junction with state route number 410 northwest of Yakima, thence southeasterly to a junction with state route number 82 at Yakima; also

Beginning at a junction with state route number 182 near Pasco, thence southeasterly by the most feasible route by way of Wallula to Walla Walla, thence northerly by way of Dayton to a junction with state route number 127 at Dodge; also

From that junction with state route number 127 in the vicinity of Dodge, thence easterly by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary line.

[1985 c 177 § 1; 1983 c 180 § 1; 1970 ex.s. c 51 § 12.]

RCW 47.17.060 State route No. 14.

Applicable Cases

A state highway to be known as state route number 14 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence easterly by way of Stevenson to a junction with state route number 97 in the vicinity of Maryhill; also

Beginning at a junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a junction with state route number 82 in the vicinity of Plymouth.

[1985 c 177 § 2; 1970 ex.s. c 51 § 13.]

RCW 47.17.065 State route No. 16.

Applicable Cases

A state highway to be known as state route number 16 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northwesterly by way of the Tacoma Narrows Bridge to a junction with state route number 3 in the vicinity of Gorst.

[1987 c 199 § 5; 1973 1st ex.s. c 151 § 1; 1970 ex.s. c 51 § 14.]

RCW 47.17.070 State route No. 17.

Applicable Cases

A state highway to be known as state route number 17 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Mesa, thence northwesterly by way of the vicinity of Moses Lake, and Soap Lake, to a junction with state route number 2 west of Coulee City; also

From a junction with state route number 2 in the vicinity west of Coulee City, thence northerly by way of the vicinity of Leahy, crossing the Columbia river in the vicinity of Bridgeport, thence northwesterly to a junction with state route number 97 east of Brewster.

[1979 ex.s. c 33 § 1; 1970 ex.s. c 51 § 15.]

RCW 47.17.075 State route No. 18.

Applicable Cases

A state highway to be known as state route number 18 is established as follows:

Beginning at a junction with state route number 99 in the vicinity of northeast Tacoma, thence northeasterly by way of Auburn to a junction with state route number 90 west of North Bend.

[1987 c 199 § 6; 1970 ex.s. c 51 § 16.]

RCW 47.17.077 State route No. 19.

Applicable Cases

A state highway to be known as state route number 19 is established as follows:

Beginning at a junction with state route number 104, thence northerly to a junction with state route number 20 near Old Fort Townsend state park.

[1991 c 342 § 1.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.080 State route No. 20.

Applicable Cases

A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Discovery Bay, thence northeasterly via the most feasible route to Port Townsend; also

From the state ferry terminal at Port Townsend via the state ferry system northeasterly to the state ferry terminal at Keystone; also

From the Keystone ferry dock on Whidbey Island, thence northeasterly by the most feasible route by way of Deception Pass, Burlington, Sedro Woolley, Concrete, Newhalem, Winthrop, Twisp, Okanogan, Tonasket, Republic, Kettle Falls, Colville, and Tiger; thence southerly and southeasterly to a junction with state route number 2 at Newport.

[1994 c 209 § 1; 1973 1st ex.s. c 151 § 13; 1970 ex.s. c 51 § 17.]

RCW 47.17.081 State route No. 20 north.

Applicable Cases

A state highway to be known as state route number 20 north is established as follows:

Beginning at a junction with state route number 20 in the vicinity southeast of Anacortes, thence northwesterly to the state ferry terminal at Anacortes; also

From the state ferry terminal at Anacortes via the state ferry system to the state ferry terminals at Lopez Island, Shaw Island, Orcas Island, and Friday Harbor.

[1994 c 209 § 2; 1973 1st ex.s. c 151 § 17.]

RCW 47.17.085 State route No. 21.

Applicable Cases

A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 260 in Kahlotus, thence northerly by the most feasible route, crossing state route number 26, and continuing northerly to a junction with state route number 395 in the vicinity of Lind; also

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number 20 at Republic; also

Beginning at a junction with state route number 20 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international boundary line in the vicinity of Danville.

[1983 c 79 § 1; 1975 c 63 § 1; 1970 ex.s. c 51 § 18.]

RCW 47.17.090 State route No. 22.

Applicable Cases

A state highway to be known as state route number 22 is established as follows:

Beginning at a junction with state route number 82, thence southerly to a junction of state route number 97 in the vicinity of Toppenish; also

From a junction with state route number 97 at Toppenish, thence southeasterly by way of Mabton to a junction with state route number 82 at Prosser.

[1987 c 199 § 7; 1970 ex.s. c 51 § 19.]

RCW 47.17.095 State route No. 23.

Applicable Cases

A state highway to be known as state route number 23 is established as follows:

Beginning at a junction with state route number 195 in the vicinity north of Colfax, thence northwesterly to a junction with state route number 90 at Sprague; also

From that junction with state route number 90 at Sprague, thence northwesterly to a junction with state route number 28 at Harrington.

[1987 c 199 § 8; 1970 ex.s. c 51 § 20.]

RCW 47.17.100 State route No. 24.

Applicable Cases

A state highway to be known as state route number 24 is established as follows:

Beginning at a junction with state route number 82 at Yakima, thence easterly and northerly via Cold Creek and Vernita to a junction with state route number 26 in the vicinity of Othello.

[1970 ex.s. c 51 § 21.]

RCW 47.17.105 State route No. 25.

Applicable Cases

A state highway to be known as state route number 25 is established as follows:

Beginning at a junction with state route number 2 at Davenport, thence northerly by the most feasible route to a junction with state route number 395 in the vicinity of Kettle Falls, thence northeasterly by the most feasible route to international boundary line.

[1970 ex.s. c 51 § 22.]

RCW 47.17.110 State route No. 26.

Applicable Cases

A state highway to be known as state route number 26 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of the east end of the Vantage bridge, thence southerly, parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly to the vicinity of Othello, thence easterly to a junction with state route number 395, thence easterly by way of the vicinity of Washtucna and Dusty to a junction with state route number 195 in the vicinity of Colfax.

[1979 ex.s. c 33 § 2; 1970 ex.s. c 51 § 23.]

RCW 47.17.115 State route No. 27.

Applicable Cases

A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence northerly by way of Tekoa, Latah, Fairfield, and Rockford to a junction with state route number 290 in the vicinity of Millwood.

[1991 c 342 § 2; 1979 ex.s. c 195 § 1; 1975 c 63 § 2; 1970 ex.s. c 51 § 24.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.120 State route No. 28.

Applicable Cases

A state highway to be known as state route number 28 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Wenatchee, thence southeasterly to a junction with state route number 281 at Quincy; also

From that junction with state route number 281 at Quincy, thence easterly by way of Ephrata and Odessa to a junction with state route number 2 at Davenport.

[1970 ex.s. c 51 § 25.]

RCW 47.17.130 State route No. 31.

Applicable Cases

A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number 20 at Tiger, thence northerly by way of Metaline Falls to the international boundary.

[1973 1st ex.s. c 151 § 14; 1970 ex.s. c 51 § 27.]

RCW 47.17.132 State route No. 35.

Applicable Cases

A state highway to be known as state route number 35 is established as follows:

Beginning at the Washington-Oregon boundary line thence northerly to a junction with state route number 14 in the vicinity of White Salmon; however, until such time as a bridge across the Columbia River is constructed at a location adopted by the transportation commission no existing route may be maintained or improved by the transportation commission as a temporary route for state route number 35.

[1997 c 308 § 1.]

RCW 47.17.133 State route No. 41.

Applicable Cases

A state highway to be known as state route number 41 is established as follows:

Beginning at a junction with state route number 2 in Newport, thence southerly along the Washington-Idaho boundary line to Fourth Street in Newport.

[1997 c 155 § 2.]

RCW 47.17.135 State route No. 82.

Applicable Cases

A state highway to be known as state route number 82 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly and easterly by way of Yakima, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a crossing of the Columbia river at the Washington-Oregon boundary line.

[1979 ex.s. c 33 § 3; 1970 ex.s. c 51 § 28.]

RCW 47.17.140 State route No. 90--American Veterans Memorial Highway.

Applicable Cases

A state highway to be known as state route number 90 and designated as the American Veterans Memorial Highway is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

[1991 c 56 § 2; 1971 ex.s. c 73 § 2; 1970 ex.s. c 51 § 29.]

Notes:

Purpose--1991 c 56: "In order to create a great memorial and tribute to American veterans, it is proposed that the Washington state portion of Interstate 90 be renamed in their honor, to become the westernmost portion of a memorial highway reaching across the United States." [1991 c 56 § 1.]

RCW 47.17.145 State route No. 92.

Applicable Cases

A state highway to be known as state route number 92 is established as follows:

Beginning at a junction with state route number 9 northeast of Everett, thence northeasterly by the most feasible route to Granite Falls.

[1970 ex.s. c 51 § 30.]

RCW 47.17.153 State route No. 96.

Applicable Cases

A state highway to be known as state route number 96 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence easterly to a junction with state route number 9 in the vicinity of Ree's Corner.

[1991 c 342 § 3.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.155 State route No. 97.

Applicable Cases

A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence northeasterly by way of Swauk Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Orondo, thence northerly by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line.

[1987 c 199 § 9; 1984 c 7 § 131; 1975 c 63 § 3; 1973 1st ex.s. c 151 § 2; 1970 ex.s. c 51 § 32.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.157 State route No. 97-alternate.

Applicable Cases

A state highway to be known as state route number 97-alternate is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Olds, thence northerly by way of Entiat to a junction with state route number 97 in the vicinity east of Chelan.

[1987 c 199 § 10.]

RCW 47.17.160 State route No. 99.

Applicable Cases

A state highway to be known as state route number 99 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Federal Way, thence northerly by way of Midway, Seattle, Edmonds, and Lynnwood to a junction with state route number 5 in Everett: PROVIDED, That until state route number 509 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 705 in Tacoma via the Port of Tacoma industrial area to a junction with state route number 18 in the vicinity of Federal Way that portion of state route number 99 between state route number 5 at Fife and state route number 18 in the vicinity of Federal Way shall remain on the state highway system.

[1979 ex.s. c 33 § 4; 1971 ex.s. c 73 § 3; 1970 ex.s. c 51 § 33.]

RCW 47.17.163 State route No. 100.

Applicable Cases

A state highway to be known as state route number 100 is established as follows:

Beginning at a junction with state route number 101 in Ilwaco, thence westerly and southerly to Fort Canby state park; also

Beginning at a junction with state route number 100 in Ilwaco, thence southerly to Fort Canby state park.

[1991 c 342 § 4.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.165 State route No. 101.

Applicable Cases

A state highway to be known as state route number 101 is established as follows:

Beginning at the Oregon boundary on the interstate bridge at Point Ellis, thence northwesterly by way of Ilwaco to a junction with state route number 4 in the vicinity of a location known as Johnson's Landing in Pacific county; also

From that junction with state route number 4 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence northerly by way of South Bend to a junction with state route number 6 at Raymond; also

From that junction with state route number 6 at Raymond, thence northerly by way of Cosmopolis to a junction with state route number 12 at Aberdeen; also

From that junction with state route number 12 at Aberdeen, thence westerly to Hoquiam, thence northwesterly by way of Lake Quinault to Forks, thence easterly by way of Port Angeles to the vicinity of Discovery Bay, thence southerly by way of Shelton to a junction with state route number 5 in the vicinity west of Olympia; also

Beginning at a junction with state route number 101 in the vicinity east of Ilwaco, thence northerly to a junction with state route number 101 in the vicinity northeast of Ilwaco.

[1987 c 199 § 11; 1970 ex.s. c 51 § 34.]

RCW 47.17.168 State route No. 102.

Applicable Cases

A state highway to be known as state route number 102 is established as follows:

Beginning at the Washington Corrections Center, thence northeasterly to a junction of state route number 101 north of Shelton.

Before award of any construction contract for improvements to state route number 102 under either program A or program C, the department of transportation shall secure a portion of the construction cost from Mason county.

[1984 c 197 § 1.]

RCW 47.17.170 State route No. 103.

Applicable Cases

A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by way of Long Beach to Leadbetter Point state park.

[1991 c 342 § 5; 1970 ex.s. c 51 § 35.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.175 State route No. 104.

Applicable Cases

A state highway to be known as state route number 104 is established as follows:

Beginning at a junction with state route number 101 in the vicinity south of Discovery Bay, thence southeasterly to the vicinity of Shine on Hood Canal, thence crossing Hood Canal to a junction with state route number 3 in the vicinity of Port Gamble; also

From that junction with state route number 3 in the vicinity of Port Gamble, thence to Port Gamble, thence southerly and easterly to the state ferry terminal at Kingston; also

From the state ferry terminal at Kingston via the state ferry system easterly to the state ferry terminal at Edmonds; also

From the state ferry terminal at Edmonds, thence southeasterly to a junction with state route number 99 in the vicinity of the Snohomish-King county line; also

Beginning at a junction with state route number 99 in the vicinity of the Snohomish-King county line, thence southeasterly to a junction with state route number 522 in the vicinity of Lake Forest Park.

[1994 c 209 § 3; 1970 ex.s. c 51 § 36.]

RCW 47.17.180 State route No. 105.

Applicable Cases

A state highway to be known as state route number 105 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence westerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen.

[1987 c 199 § 12; 1970 ex.s. c 51 § 37.]

RCW 47.17.185 State route No. 106.

Applicable Cases

A state highway to be known as state route number 106 is established as follows:

Beginning at a junction with state route number 101 near the mouth of the Skokomish river, thence northeasterly along the southeast shore of Hood Canal to a junction with state route number 3 in the vicinity of Belfair.

[1970 ex.s. c 51 § 38.]

RCW 47.17.190 State route No. 107.

Applicable Cases

A state highway to be known as state route number 107 is established as follows:

Beginning at a junction with state route number 101 north of Artic, thence northeasterly to a junction with state route number 12 at Montesano.

[1970 ex.s. c 51 § 39.]

RCW 47.17.195 State route No. 108.

Applicable Cases

A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number 8 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton.

[1973 1st ex.s. c 151 § 3; 1970 ex.s. c 51 § 40.]

RCW 47.17.200 State route No. 109.

Applicable Cases

A state highway to be known as state route number 109 is established as follows:

Beginning at a junction with state route number 101 in Hoquiam, thence northwesterly by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets; also a bypass beginning at a junction with state route number 101 in the vicinity of the north city limits of Hoquiam, thence southerly to a junction with state route number 109 in the vicinity of the west city limits of Hoquiam.

[1983 c 180 § 2; 1970 ex.s. c 51 § 41.]

Notes:

Quinault Tribal Highway: RCW 47.20.710.

RCW 47.17.212 State route No. 110.

Applicable Cases

A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 101 in the vicinity north of Forks, thence westerly to the Olympic national park boundary in the vicinity of La Push; also

Beginning at a junction with state route number 110 near the Quillayute river, thence westerly to the Olympic national park boundary in the vicinity of Moro.

[1991 c 342 § 6.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.215 State route No. 112.

Applicable Cases

A state highway to be known as state route number 112 is established as follows:

Beginning at the easterly boundary of the Makah Indian Reservation, thence easterly by way of Clallam Bay and Pysht to a junction with state route number 101 in or near Port Angeles.

[1971 ex.s. c 73 § 5; 1970 ex.s. c 51 § 44.]

RCW 47.17.216 State route No. 113.

Applicable Cases

A state highway to be known as state route number 113 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Sappho, thence northerly to a junction with state route number 112 in the vicinity of the Pysht River.

[1991 c 342 § 7.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.217 State route No. 115.

Applicable Cases

A state highway to be known as state route number 115 is established as follows:

Beginning at Ocean Shores thence in an easterly and northerly direction by the most feasible route to a junction with state route number 109 in the vicinity south of Ocean City.

[1973 c 60 § 1.]

RCW 47.17.219 State route No. 116.

Applicable Cases

A state highway to be known as state route number 116 is established as follows:

Beginning at a junction with state route number 19 in the vicinity of Irondale, thence easterly and northerly to Fort Flagler state park.

[1991 c 342 § 8.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.221 State route No. 117.

Applicable Cases

A state highway to be known as state route number 117 is established as follows:

Beginning at a junction with state route number 101 in Port Angeles, thence northerly to the port of Port Angeles at Marine Drive.

[1991 c 342 § 9.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.223 State route No. 119.

Applicable Cases

A state highway to be known as state route number 119 is established as follows:

Beginning at a junction with state route number 101 near Hoodsport, thence northwesterly to the Mount Rose development intersection.

[1991 c 342 § 10.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.225 State route No. 121.

Applicable Cases

A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Maytown, thence easterly, northerly, and westerly by way of Millersylvania state park to a junction with state route number 5 south of Tumwater.

[1991 c 342 § 11; 1970 ex.s. c 51 § 46.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.227 State route No. 122.

Applicable Cases

A state highway to be known as state route number 122 is established as follows:

Beginning at a junction with state route number 12 near Mayfield dam, thence northeasterly and southerly by way of Mayfield to a junction with state route number 12 in Mossyrock.

[1991 c 342 § 12.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.230 State route No. 123.

Applicable Cases

A state highway to be known as state route number 123 is established as follows:

Beginning at a junction with state route number 12 in the vicinity west of White Pass, thence northerly to a junction with state route number 410 in the vicinity west of Chinook Pass.

[1970 ex.s. c 51 § 47.]

RCW 47.17.235 State route No. 124.

Applicable Cases

A state highway to be known as state route number 124 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 in the vicinity of Prescott, thence

easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive".

[1973 1st ex.s. c 151 § 4; 1970 ex.s. c 51 § 48.]

RCW 47.17.240 State route No. 125.

Applicable Cases

A state highway to be known as state route number 125 is established as follows:

Beginning at the Washington-Oregon boundary line south of Walla Walla, thence northerly to a junction with state route number 12 at Walla Walla; also

From a junction with state route number 12 at Walla Walla, thence northerly to a junction with state route number 124 at Prescott.

[1979 ex.s. c 33 § 5; 1970 ex.s. c 51 § 49.]

RCW 47.17.250 State route No. 127.

Applicable Cases

A state highway to be known as state route number 127 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Dodge, thence northerly to a junction with state route number 26 in the vicinity of Dusty.

[1979 ex.s. c 33 § 6; 1970 ex.s. c 51 § 51.]

RCW 47.17.255 State route No. 128.

Applicable Cases

A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 in Clarkston, thence northeasterly and easterly by way of the Red Wolf crossing to the Idaho state line.

[1991 c 342 § 13; 1990 c 108 § 1; 1970 ex.s. c 51 § 52.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.260 State route No. 129.

Applicable Cases

A state highway to be known as state route number 129 is established as follows:

Beginning at the Washington-Oregon boundary line in Asotin county, thence northerly by the most feasible route by way of Asotin to a junction with state route number 12 at Clarkston.

[1970 ex.s. c 51 § 53.]

RCW 47.17.262 State route No. 131.

Applicable Cases

A state highway to be known as state route number 131 is established as follows:

Beginning at the Gifford Pinchot national forest boundary south of Randle, thence northerly to a junction with state route number 12 in Randle.

[1991 c 342 § 14.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.275 State route No. 141.

Applicable Cases

A state highway to be known as state route number 141 is established as follows:

Beginning at a wye junction with state route number 14, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence northerly to the boundary of the Gifford Pinchot National Forest.

[1970 ex.s. c 51 § 56.]

RCW 47.17.280 State route No. 142.

Applicable Cases

A state highway to be known as state route number 142 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Lyle, thence northeasterly by way of Klickitat to a junction with state route number 97 in the vicinity of Goldendale.

[1970 ex.s. c 51 § 57.]

RCW 47.17.285 State route No. 150.

Applicable Cases

A state highway to be known as state route number 150 is established as follows:

Beginning at Manson, thence southeasterly to the north of Lake Chelan to a junction with state route number 97-alternate at Chelan.

Also beginning at a junction with state route number 97-alternate at Chelan southerly to a junction with state route number 97 in the vicinity of Chelan Station.

[1987 c 199 § 13; 1970 ex.s. c 51 § 58.]

RCW 47.17.295 State route No. 153.

Applicable Cases

A state highway to be known as state route number 153 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Pateros, thence northerly and westerly by the most feasible route to a junction with state route number 20 in the vicinity south of Twisp.

[1970 ex.s. c 51 § 60.]

RCW 47.17.300 State route No. 155.

Applicable Cases

A state highway to be known as state route number 155 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northeasterly to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at the boundary of the federal reservation at the Grand Coulee dam, thence northwesterly by the most feasible route by way of Nespelem and Disautel to a junction with state route number 97 at Omak; also

Beginning at a junction with state route number 155 at Omak, thence northwesterly crossing the Okanogan river to a junction with state route number 215 at Omak.

[1975 c 63 § 4; 1970 ex.s. c 51 § 61.]

RCW 47.17.305 State route No. 160.

Applicable Cases

A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 in the vicinity south of Port Orchard, thence easterly on Sedgwick Road to the Washington state ferry dock at Point Southworth; also

From the state ferry terminal at Point Southworth via the state ferry system easterly to the state ferry terminal at Vashon Heights; also

From the state ferry terminal at Vashon Heights easterly via the state ferry system to the state ferry terminal at Fauntleroy.

[1994 c 209 § 4; 1993 c 430 § 2; 1970 ex.s. c 51 § 62; (1991 c 342 § 15 repealed by 1992 c 166 § 31).]

RCW 47.17.310 State route No. 161.

Applicable Cases

A state highway to be known as state route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly via Eatonville to Puyallup, thence northerly to a junction with state route number 18.

That portion of state route 161 within King county shall be designated Enchanted Parkway.

[1987 c 520 § 1; 1971 ex.s. c 73 § 6; 1970 ex.s. c 51 § 63.]

RCW 47.17.315 State route No. 162.

Applicable Cases

A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number 410 at Sumner, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley.

[1975 c 63 § 5; 1971 ex.s. c 73 § 7; 1970 ex.s. c 51 § 64.]

RCW 47.17.317 State route No. 163.

Applicable Cases

A state highway to be known as state route number 163 is established as follows:

Beginning at a junction with state route number 16 in Tacoma, thence northerly to the Point Defiance ferry terminal; also

From the state ferry terminal at Point Defiance via the state ferry system northerly to the state ferry terminal at Tahlequah.

[1994 c 209 § 5; 1991 c 342 § 16.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.320 State route No. 164.

Applicable Cases

A state highway to be known as state route number 164 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Auburn, thence southeasterly to a junction with state route number 410 at Enumclaw.

[1987 c 199 § 14; 1970 ex.s. c 51 § 65.]

RCW 47.17.325 State route No. 165.

Applicable Cases

A state highway to be known as state route number 165 is established as follows:

Beginning at the northwest entrance to Mt. Rainier National Park, thence northerly to a junction with state route number 410 at Buckley.

[1970 ex.s. c 51 § 66.]

RCW 47.17.328 State route No. 166.

Applicable Cases

A state highway to be known as state route number 166 is established as follows:

Beginning at a junction with state route number 16 in the vicinity west of Port Orchard, thence northeasterly to the eastern Port Orchard city limits.

[1993 c 430 § 3.]

RCW 47.17.330 State route No. 167.

Applicable Cases

A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of the vicinity of Puyallup and Sumner, thence northerly by way of the vicinity of Auburn and Kent to a junction with state route number 900 in the vicinity of Renton.

[1991 c 342 § 17; 1979 ex.s. c 33 § 8; 1970 ex.s. c 51 § 67.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.335 State route No. 168.

Applicable Cases

A state highway to be known as state route number 168 is established as follows:

Beginning at a junction with state route number 410 in the vicinity of the junction of the Greenwater and White rivers, thence easterly to a junction with state route number 410 in the vicinity north of Cliffdell.

[1970 ex.s. c 51 § 68.]

RCW 47.17.340 State route No. 169.

Applicable Cases

A state highway to be known as state route number 169 is established as follows:

Beginning at a junction with state route number 164 at Enumclaw, thence northwesterly by way of Summit to a junction with state route number 900 in the vicinity of Renton.

[1971 ex.s. c 73 § 8; 1970 ex.s. c 51 § 69.]

RCW 47.17.345 State route No. 170.

Applicable Cases

A state highway to be known as state route number 170 is established as follows:

Beginning at a junction with state route number 17 west of Warden, thence easterly to Warden.

[1970 ex.s. c 51 § 70.]

RCW 47.17.350 State route No. 171.

Applicable Cases

A state highway to be known as state route number 171 is established as follows:

Beginning at a junction with state route number 90 west of Moses Lake, thence northeasterly by way of Moses Lake to a junction with state route number 28 in the vicinity west of Odessa. Until such time as state route number 171 is actually constructed on the location adopted by the department, no existing county roads may be maintained or improved by the department as a temporary route of state route number 171.

[1984 c 7 § 132; 1970 ex.s. c 51 § 71.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.355 State route No. 172.

Applicable Cases

A state highway to be known as state route number 172 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Waterville, thence northerly and easterly by the most feasible route by way of Mansfield to a junction with state route number 17 in the vicinity of Leahy.

[1970 ex.s. c 51 § 72.]

RCW 47.17.360 State route No. 173.

Applicable Cases

A state highway to be known as state route number 173 is established as follows:

Beginning at a junction with state route number 17 at Bridgeport thence northwesterly on the south side of the Columbia river to a junction with state route number 97 in the vicinity of Brewster.

[1970 ex.s. c 51 § 73.]

RCW 47.17.365 State route No. 174.

Applicable Cases

A state highway to be known as state route number 174 is established as follows:

Beginning at a junction with state route number 17 east of Bridgeport, thence easterly to the boundary of the federal reservation at Grand Coulee dam; also

Beginning at a junction with state route number 155 at Grand Coulee, thence southeasterly to a junction with state route number 21 in the vicinity north of Wilbur; also

A spur beginning at a junction with state route number 174 in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point.

[1987 c 199 § 15; 1970 ex.s. c 51 § 74.]

RCW 47.17.370 State route No. 181.

Applicable Cases

A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 516 in the vicinity of Kent, thence northerly to a junction with state route number 405 in the vicinity of Tukwila.

[1991 c 342 § 18; 1979 ex.s. c 192 § 4; 1971 ex.s. c 73 § 9; 1970 ex.s. c 51 § 75.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Effective dates--1979 ex.s. c 192: See note following RCW 44.40.070.

RCW 47.17.372 State route No. 182.

Applicable Cases

A state highway to be known as state route number 182 is established as follows:

Beginning at a junction with state route number 82 in the vicinity of Goose Gap, thence easterly via Richland to a junction with state route number 395 in the vicinity of Pasco.

[1979 ex.s. c 33 § 9; 1971 ex.s. c 73 § 10.]

RCW 47.17.375 State route No. 193.

Applicable Cases

A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 128 in the vicinity of the Red Wolf crossing, thence westerly to the port of Wilma.

[1991 c 342 § 19; 1990 c 108 § 2; 1984 c 7 § 133; 1970 ex.s. c 51 § 76.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.377 State route No. 194.

Applicable Cases

A state highway to be known as state route number 194 is established as follows:

Beginning at the port of Almota, thence northerly and easterly to a junction with state route number 195 in the vicinity of Pullman.

[1991 c 342 § 20.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.380 State route No. 195.

Applicable Cases

A state highway to be known as state route number 195 is established as follows:

Beginning at the Washington-Idaho boundary line southeast of Uniontown, thence northwesterly and northerly by way of the vicinity of Pullman, Colfax, and Rosalia to a junction with state route number 90 at Spokane.

[1979 ex.s. c 33 § 10; 1970 ex.s. c 51 § 77.]

RCW 47.17.382 State route No. 197.

Applicable Cases

A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly to a junction with state route number 14.

[1979 ex.s. c 33 § 11; 1973 1st ex.s. c 151 § 6.]

RCW 47.17.385 State route No. 202.

Applicable Cases

A state highway to be known as state route number 202 is established as follows:

Beginning at a junction with state route number 522 near Bothell, thence southeasterly to a junction with state route number 90 in the vicinity of North Bend.

[1987 c 199 § 16; 1970 ex.s. c 51 § 78.]

RCW 47.17.390 State route No. 203.

Applicable Cases

A state highway to be known as state route number 203 is established as follows:

Beginning at a junction with state route number 202 at Fall City, thence northerly by the most feasible route by way of Duvall to a junction with state route number 2 at Monroe.

[1970 ex.s. c 51 § 79.]

RCW 47.17.395 State route No. 204.

Applicable Cases

A state highway to be known as state route number 204 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Everett, thence northeasterly to a junction with state route number 9.

[1987 c 199 § 17; 1970 ex.s. c 51 § 80.]

RCW 47.17.400 State route No. 205.

Applicable Cases

A state highway to be known as state route number 205 is established as follows:

Beginning at the Washington-Oregon boundary line in the vicinity east of Vancouver, thence northwesterly to a junction with state route number 5 in the vicinity of Salmon Creek, north of Vancouver.

[1970 ex.s. c 51 § 81.]

RCW 47.17.405 State route No. 206.

Applicable Cases

A state highway to be known as state route number 206 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Mead, thence northeasterly to the entrance to Mt. Spokane State Park.

[1987 c 199 § 18; 1970 ex.s. c 51 § 82.]

RCW 47.17.410 State route No. 207.

Applicable Cases

A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to Lake Wenatchee state park.

[1991 c 342 § 21; 1970 ex.s. c 51 § 83.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.416 State route No. 211.

Applicable Cases

A state highway to be known as state route number 211 is established as follows:

Beginning at a junction with state route number 2 southwest of Newport, thence northerly by the most feasible route by way of Sacheen Lake to a junction with state route number 20 at Usk.

[1975 c 63 § 10.]

RCW 47.17.417 State route No. 213.

Applicable Cases

A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan. Until such time as this route is actually constructed on the location adopted by the department, no county roads may be maintained or improved by the department as a temporary route.

[1984 c 7 § 134; 1973 1st ex.s. c 151 § 18.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.419 State route No. 215.

Applicable Cases

A state highway to be known as state route number 215 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak.

[1973 1st ex.s. c 151 § 19.]

RCW 47.17.425 State route No. 221.

Applicable Cases

A state highway to be known as state route number 221 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Patterson, thence northerly to a junction with state route number 22 in the vicinity of Prosser.

[1970 ex.s. c 51 § 86.]

RCW 47.17.430 State route No. 223.

Applicable Cases

A state highway to be known as state route number 223 is established as follows:

Beginning at a junction with state route number 22 in the vicinity southeast of Toppenish, thence easterly to a junction with state route number 12 in the vicinity of Granger. The establishment of state route number 223 as defined in this section shall be effective July 1, 1965.

[1970 ex.s. c 51 § 87.]

RCW 47.17.435 State route No. 224.

Applicable Cases

A state highway to be known as state route number 224 is established as follows:

Beginning at a junction with state route number 82 at Kiona, thence northeasterly to a junction with state route number 240 at Richland.

[1987 c 199 § 19; 1970 ex.s. c 51 § 88.]

RCW 47.17.436 State route No. 225.

Applicable Cases

A state highway to be known as state route number 225 is established as follows:

Beginning at a junction with state route number 224 in Kiona, thence northeasterly by way of Benton City to a junction with state route number 240 near Horn Rapids dam.

[1991 c 342 § 22.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.440 State route No. 230.

Applicable Cases

A state highway to be known as state route number 230 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ritzville, thence easterly by the most feasible route to a junction with state route number 23 in the vicinity of Ewan.

[1970 ex.s. c 51 § 89.]

RCW 47.17.445 State route No. 231.

Applicable Cases

A state highway to be known as state route number 231 is established as follows:

Beginning at a junction with state route number 23 in the vicinity northwest of Sprague, thence northerly by way of Edwall to a junction with state route number 2 in the vicinity west of Reardan; also

Beginning at a junction with state route number 2 in the vicinity of Reardan, thence northerly by way of Long Lake across the Spokane river, thence northeasterly by way of Springdale to a junction with state route number 395 in the vicinity of Chewelah.

[1970 ex.s. c 51 § 90.]

RCW 47.17.455 State route No. 240.

Applicable Cases

A state highway to be known as state route number 240 is established as follows:

Beginning at a junction with state route number 24 in the vicinity east of Cold Creek, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with state route number 224 at Richland; also

From that junction with state route number 224 at Richland, thence southerly to a

junction with state route number 182 at Richland; also

From a junction with state route number 182 at Richland southeasterly to a junction with state route number 395 at Kennewick. The secretary may enter into negotiations with appropriate federal agencies to secure right of way for the highway over and across the Atomic Energy Commission Reservation.

[1985 c 177 § 3; 1984 c 7 § 135; 1970 ex.s. c 51 § 92.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.460 State route No. 241.

Applicable Cases

A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number 22 in Mabton, thence northerly and northeasterly by way of Sunnyside to a junction with state route number 24.

[1991 c 342 § 23; 1987 c 199 § 20; 1970 ex.s. c 51 § 93.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.465 State route No. 243.

Applicable Cases

A state highway to be known as state route number 243 is established as follows:

Beginning at a junction with state route number 24 north of its crossing of the Columbia river, thence westerly and northerly by way of Arrowsmith and Beverly to a junction with state route number 26 south of the Columbia river bridge at Vantage.

[1970 ex.s. c 51 § 94.]

RCW 47.17.475 State route No. 260.

Applicable Cases

A state highway to be known as state route number 260 is established as follows:

Beginning at a junction with state route number 17 west of Connell, thence easterly to a junction with state route number 395 in the vicinity of Connell, thence northeasterly by way of Kahlotus to a junction with state route number 26 at Washtucna.

[1970 ex.s. c 51 § 96.]

RCW 47.17.480 State route No. 261.

Applicable Cases

A state highway to be known as state route number 261 is established as follows:

Beginning at a junction with state route number 12 at Delaney, thence northwesterly to a junction with state route number 260 in the vicinity of McAdam; also

Beginning at a junction with state route number 26 at Washtucna, thence northerly to a

junction with state route number 90 at Ritzville.

[1987 c 199 § 21; 1971 ex.s. c 73 § 12; 1970 ex.s. c 51 § 97.]

RCW 47.17.481 State route No. 262.

Applicable Cases

A state highway to be known as state route number 262 is established as follows:

Beginning at a junction with state route number 26 east of Royal City, thence northerly and easterly to a junction with state route number 17 west of Warden.

[1991 c 342 § 24.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.482 State route No. 263.

Applicable Cases

A state highway to be known as state route number 263 is established as follows:

Beginning at the port of Windust, thence easterly and northerly to a junction with state route number 260 in Kahlotus.

[1991 c 342 § 25.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.485 State route No. 270.

Applicable Cases

A state highway to be known as state route number 270 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence easterly by the most feasible route to a point on the Washington-Idaho boundary line.

[1970 ex.s. c 51 § 98.]

RCW 47.17.490 State route No. 271.

Applicable Cases

A state highway to be known as state route number 271 is established as follows:

Beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia.

[1970 ex.s. c 51 § 99.]

RCW 47.17.495 State route No. 272.

Applicable Cases

A state highway to be known as state route number 272 is established as follows:

Beginning at a junction with state route number 195 at Colfax, thence easterly to a junction with state route number 27 at Palouse; also

Beginning at a junction with state route number 27 at Palouse, thence northeasterly by the most feasible route to a point on the Washington-Idaho boundary line.

[1970 ex.s. c 51 § 100.]

RCW 47.17.500 State route No. 274.

Applicable Cases

A state highway to be known as state route number 274 is established as follows:

Beginning at a junction with state route number 27 at Tekoa, thence easterly to the Washington-Idaho boundary line.

[1970 ex.s. c 51 § 101.]

RCW 47.17.502 State route No. 276.

Applicable Cases

A state highway to be known as state route number 276 is established as follows:

Beginning at a junction with state route number 195 west of Pullman, thence easterly and southeasterly to a junction with state route number 270 east of Pullman.

[1973 1st ex.s. c 151 § 7.]

RCW 47.17.503 State route No. 278.

Applicable Cases

A state highway to be known as state route number 278 is established as follows:

Beginning at a junction with state route number 27 in Rockford, thence easterly and southerly to the Washington-Idaho boundary.

[1991 c 342 § 26.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.505 State route No. 281.

Applicable Cases

A state highway to be known as state route number 281 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of George, thence northerly to a junction with state route number 28 at Quincy; also

Beginning at a junction with state route number 281 at a point north of the above described junction on state route number 90, thence in a southeasterly direction to a junction with state route number 90 in the vicinity east of George, some 1.6 miles more or less, resulting in a wye connection between state route number 281 and state route number 90.

[1971 ex.s. c 73 § 13; 1970 ex.s. c 51 § 102.]

RCW 47.17.510 State route No. 282.

Applicable Cases

A state highway to be known as state route number 282 is established as follows:

Beginning at a junction with state route number 28 in the vicinity of Ephrata, thence southeasterly to a junction with state route number 17 in the vicinity of Rocky Ford creek.

[1970 ex.s. c 51 § 103.]

RCW 47.17.515 State route No. 283.

Applicable Cases

A state highway to be known as state route number 283 is established as follows:

Beginning at a junction with state route number 281 in the vicinity of Burke Junction, thence northeasterly by the most feasible route to a junction with state route number 28 in the vicinity west of Ephrata.

[1970 ex.s. c 51 § 104.]

RCW 47.17.517 State route No. 285.

Applicable Cases

A state highway to be known as state route number 285 is established as follows:

Beginning at a junction with state route number 28 in East Wenatchee, thence westerly across the Columbia river and northwesterly to a junction with state route number 2 in Wenatchee.

[1991 c 342 § 27; 1977 ex.s. c 224 § 1.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.520 State route No. 290.

Applicable Cases

A state highway to be known as state route number 290 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northeasterly by way of Millwood, Trentwood, and Newman Lake to the termination of Idaho state highway number 53 at the Washington-Idaho boundary line; also

Beginning at a junction with state route number 90 in Spokane, thence northerly to a junction with state route number 290 in the vicinity of Hamilton Street.

[1977 ex.s. c 6 § 1; 1970 ex.s. c 51 § 105.]

RCW 47.17.525 State route No. 291.

Applicable Cases

A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to the vicinity of Tumtum; and thence southwesterly along the north shore of Long Lake to a junction with state route number 231 in the vicinity of the Little Falls Dam.

[1983 c 180 § 4; 1970 ex.s. c 51 § 106.]

RCW 47.17.530 State route No. 292.

Applicable Cases

A state highway to be known as state route number 292 is established as follows:

Beginning at a junction with state route number 231 at Springdale, thence easterly to a junction with state route number 395 in the vicinity of Loon Lake.

[1970 ex.s. c 51 § 107.]

RCW 47.17.540 State route No. 300.

Applicable Cases

A state highway to be known as state route number 300 is established as follows:

Beginning at the western boundary of the Belfair State Park, thence generally easterly to a junction with state route number 3 at Belfair.

[1970 ex.s. c 51 § 109.]

RCW 47.17.545 State route No. 302.

Applicable Cases

A state highway to be known as state route number 302 is established as follows:

Beginning at a junction with state route number 3 in the vicinity of Allyn, thence easterly to a junction with state route number 16 in the vicinity of Purdy.

[1987 c 199 § 22; 1970 ex.s. c 51 § 110.]

RCW 47.17.550 State route No. 303.

Applicable Cases

A state highway to be known as state route number 303 is established as follows:

Beginning at a junction with state route number 304 at Bremerton, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number 3 in the vicinity north of Silverdale.

[1991 c 342 § 28; 1971 ex.s. c 73 § 14; 1970 ex.s. c 51 § 111.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.556 State route No. 304.

Applicable Cases

A state highway to be known as state route number 304 is established as follows:

Beginning at a junction with state route number 3 in Bremerton, thence easterly to the ferry terminal in Bremerton; also

From the state ferry terminal at Bremerton via the state ferry system easterly to the junction with state route number 519 at the state ferry terminal in Seattle.

[1994 c 209 § 6; 1993 c 430 § 4.]

RCW 47.17.560 State route No. 305.

Applicable Cases

A state highway to be known as state route number 305 is established as follows:

Beginning at the junction with state route number 519 at the state ferry terminal in Seattle, thence via the state ferry system northwesterly to the state ferry terminal at Bainbridge Island; also

From the state ferry terminal at Bainbridge Island, thence northerly by the most feasible route to the north end of Bainbridge Island, across Agate Pass, thence northwesterly by the most feasible route to a junction with state route number 3 in the vicinity north of Poulsbo.

[1994 c 209 § 7; 1970 ex.s. c 51 § 113.]

RCW 47.17.566 State route No. 307.

Applicable Cases

A state highway to be known as state route number 307 is established as follows:

Beginning at a junction with state route number 305 at Poulsbo, thence northeasterly to a junction with state route number 104 near Miller Lake.

[1991 c 342 § 29.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.567 State route No. 308.

Applicable Cases

A state highway to be known as state route number 308 is established as follows:

Beginning at a junction with state route number 3, thence easterly to Keyport.

[1987 c 199 § 23; 1971 ex.s. c 73 § 15.]

RCW 47.17.569 State route No. 310.

Applicable Cases

A state highway to be known as state route number 310 is established as follows:

Beginning at a junction with state route number 3 near Oyster Bay, thence easterly to a junction with state route number 304 in Bremerton.

[1991 c 342 § 30.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.571 State route No. 339.

Applicable Cases

A state highway to be known as state route number 339 is established as follows:

Beginning at the junction of state route number 160 at the state ferry terminal at Vashon Heights, thence via the state ferry system northeasterly to the junction with state route number 519 at the state ferry terminal in Seattle.

[1994 c 209 § 9.]

RCW 47.17.575 State route No. 395.

Applicable Cases

A state highway to be known as state route number 395 is established as follows:

Beginning at a junction with state route number 82 at Kennewick, northerly to a junction with state route number 182 at Pasco; also

From a junction with state route number 182 at Pasco, thence northeasterly by way of the vicinity of Mesa and Connell to a junction with state route number 90 at Ritzville; also

From a junction with state route number 2 in the vicinity north of Spokane, thence northerly by way of the vicinity of Colville and Kettle Falls to the international boundary line in the vicinity of Laurier.

[1985 c 177 § 4; 1979 ex.s. c 33 § 13; 1970 ex.s. c 51 § 116.]

RCW 47.17.577 State route No. 397.

Applicable Cases

A state highway to be known as state route number 397 is established as follows:

Beginning at Piert Road in the vicinity southeast of Finely, thence northwesterly and northerly across the Columbia River, thence easterly and northerly to a junction with state route number 395 in Pasco.

[1993 c 430 § 5; 1991 c 342 § 31.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.580 State route No. 401.

Applicable Cases

A state highway to be known as state route number 401 is established as follows:

Beginning at Point Ellice on state route number 101, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle.

[1970 ex.s. c 51 § 117.]

RCW 47.17.595 State route No. 405.

Applicable Cases

A state highway to be known as state route number 405 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Seattle, thence northeasterly to Renton, thence northerly east of Lake Washington to a junction with state route number 5 north of Seattle.

[1970 ex.s. c 51 § 120.]

RCW 47.17.605 State route No. 409.

Applicable Cases

A state highway to be known as state route number 409 is established as follows:

Beginning at the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island, thence generally northerly by the most feasible route to the Puget Island bridge, thence crossing said bridge to a junction with state route number 4 at the north approach of said bridge at the town of Cathlamet: PROVIDED, That the state of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and interest thereon, shall remain the sole obligation of the obligors named on said bonds.

[1970 ex.s. c 51 § 122.]

RCW 47.17.610 State route No. 410.

Applicable Cases

A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence easterly by way of Buckley, Enumclaw, and Chinook Pass, to a junction with state route number 12 northwest of Yakima: PROVIDED, That until such time as state route number 167 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 near Tacoma easterly to Sumner on the north side of the Puyallup river, the public highway between state route number 5 in Tacoma and state route number 161 in Sumner, on the south side of the Puyallup river, shall remain on the state highway system.

[1987 c 199 § 24; 1973 1st ex.s. c 151 § 8; 1970 ex.s. c 51 § 123.]

RCW 47.17.615 State route No. 411.

Applicable Cases

A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number 432 in Longview, thence northerly to a junction with state route number 5 at Castle Rock.

[1991 c 342 § 32; 1970 ex.s. c 51 § 124.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.625 State route No. 432.

Applicable Cases

A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 in the vicinity west of Longview, thence southeasterly to a junction with state route number 5 south of Kelso.

[1991 c 342 § 33; 1970 ex.s. c 51 § 126.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.630 State route No. 433.

Applicable Cases

A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge at Longview, thence northerly to a junction with state route number 432 in Longview.

[1991 c 342 § 34; 1987 c 199 § 25; 1970 ex.s. c 51 § 127.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.635 State route No. 500.

Applicable Cases

A state highway to be known as state route number 500 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northeasterly to Orchards, thence southeasterly to a junction with state route number 14 at Camas.

[1970 ex.s. c 51 § 128.]

RCW 47.17.640 State route No. 501--Erwin O. Rieger Memorial Highway.

Applicable Cases

A state highway to be known as state route number 501 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northerly by way of Lower River Road and an extension thereof to Ridgefield, thence easterly to a junction with state route number 5 in the vicinity south of La Center. That portion of state route number 501 from the northerly junction of N.W. Lower River Road to the Ridgefield city limits is designated "the Erwin O. Rieger Memorial Highway." The department may enter into an agreement with the Port of Vancouver, Clark county, or the United States Army Engineers, or any combination thereof, to obtain material dredged from the Columbia river and have it stockpiled at no expense to the state.

[1991 c 78 § 1; 1984 c 7 § 136; 1970 ex.s. c 51 § 129.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.645 State route No. 502.

Applicable Cases

A state highway to be known as state route number 502 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Vancouver, thence easterly to a junction with state route number 503 at Battleground.

[1970 ex.s. c 51 § 130.]

RCW 47.17.650 State route No. 503.

Applicable Cases

A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battle Ground, thence northerly to Amboy, thence northeasterly by way of Cougar to the Cowlitz-Skamania county line; also

Beginning at a junction with state route number 503 in the vicinity of Yale, thence westerly to a junction with state route number 5 in the vicinity of Woodland.

[1991 c 342 § 35; 1975 c 63 § 6; 1970 ex.s. c 51 § 131.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.655 State route No. 504--Spirit Lake Memorial Highway.

Applicable Cases

A state highway to be known as state route number 504, hereby designated the Spirit Lake Memorial Highway, dedicated to the memory of those who lost their lives in the 1980 eruption of Mt. St. Helens, is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence easterly along the north shore of Silver Lake by way of Silverlake and Toutle, past a junction with state route number 505, thence by way of Kid Valley and St. Helens to the former Spirit Lake.

[1982 c 82 § 1; 1970 ex.s. c 51 § 132.]

RCW 47.17.660 State route No. 505.

Applicable Cases

A state highway to be known as state route number 505 is established as follows:

Beginning in Winlock, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle.

[1991 c 342 § 36; 1970 ex.s. c 51 § 133.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.665 State route No. 506.

Applicable Cases

A state highway to be known as state route number 506 is established as follows:

Beginning at Ryderwood, thence by way of Vader northeasterly to a junction with state route number 5 west of Toledo.

[1970 ex.s. c 51 § 134.]

RCW 47.17.670 State route No. 507.

Applicable Cases

A state highway to be known as state route number 507 is established as follows:

Beginning at a junction with state route number 5 in Centralia, thence northerly by the most feasible route by way of Bucoda to Tenino, thence northeasterly by way of Rainier, Yelm and McKenna to a junction with state route number 7 in the vicinity south of Tacoma.

[1970 ex.s. c 51 § 135.]

RCW 47.17.675 State route No. 508.

Applicable Cases

A state highway to be known as state route number 508 is established as follows:

Beginning at a junction with state route number 5 south of Chehalis, thence easterly by way of Onalaska to a junction with state route number 7 at Morton.

[1970 ex.s. c 51 § 136.]

RCW 47.17.680 State route No. 509.

Applicable Cases

A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 705 at Tacoma, thence northeasterly to a junction with state route number 99 in the vicinity of Redondo; also

From a junction with state route number 516 at Des Moines, thence northerly to a junction with state route number 99 in Seattle.

[1991 c 342 § 37; 1979 ex.s. c 33 § 14; 1970 ex.s. c 51 § 137.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.685 State route No. 510.

Applicable Cases

A state highway to be known as state route number 510 is established as follows:

Beginning at a junction with state route number 5, thence southeasterly via St. Clair to a junction with state route number 507 at Yelm.

[1970 ex.s. c 51 § 138.]

RCW 47.17.690 State route No. 512.

Applicable Cases

A state highway to be known as state route number 512 is established as follows:

Beginning at a junction with state route number 5 south of Tacoma, thence easterly to a junction with state route number 7 south of Tacoma, thence easterly to a junction with state route number 167 in the vicinity of Puyallup.

[1970 ex.s. c 51 § 139.]

RCW 47.17.695 State route No. 513.

Applicable Cases

A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point.

[1991 c 342 § 38; 1971 ex.s. c 73 § 16; 1970 ex.s. c 51 § 140.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.705 State route No. 515.

Applicable Cases

A state highway to be known as state route number 515 is established as follows:

Beginning at a junction with state route number 516 in the vicinity east of Kent, thence northerly to a junction with state route number 900 in Renton.

[1970 ex.s. c 51 § 142.]

RCW 47.17.710 State route No. 516.

Applicable Cases

A state highway to be known as state route number 516 is established as follows:

Beginning at a junction with state route number 509 in the vicinity south of Des Moines, thence southeasterly to a junction with state route number 5; also

From that junction with state route number 5, thence easterly to a junction with state route number 167 in Kent, thence easterly to a junction with state route number 169 south of Maple Valley.

[1970 ex.s. c 51 § 143.]

RCW 47.17.715 State route No. 518.

Applicable Cases

A state highway to be known as state route number 518 is established as follows:

Beginning at a junction with state route number 509 near Sunnydale, thence easterly to a junction with state route number 5 in the vicinity of Seattle.

[1970 ex.s. c 51 § 144.]

RCW 47.17.717 State route No. 519.

Applicable Cases

A state highway to be known as state route number 519 is established as follows:

Beginning at a junction with state route number 90 in Seattle, thence westerly, and northerly to the Washington state ferry terminal.

[1991 c 342 § 39.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.720 State route No. 520.

Applicable Cases

A state highway to be known as state route number 520 is established as follows:

Beginning at a junction with state route number 5 in Seattle, thence easterly via the Evergreen Point bridge to a junction with state route number 202 in the vicinity of Redmond.

[1970 ex.s. c 51 § 145.]

RCW 47.17.725 State route No. 522.

Applicable Cases

A state highway to be known as state route number 522 is established as follows:

Beginning at Seattle in King county, thence easterly by the most feasible route to the north of Lake Washington by way of Bothell to a junction with state route number 202 near Bothell; also

From that junction with state route number 202 near Bothell, thence northeasterly by the most feasible route to a junction with state route number 2 in the vicinity of Monroe.

[1970 ex.s. c 51 § 146.]

RCW 47.17.727 State route No. 523.

Applicable Cases

A state highway to be known as state route number 523 is established as follows:

Beginning at a junction with state route number 99 and Northeast 145th Street in Seattle, thence easterly to a junction with state route number 522.

[1991 c 342 § 40.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.730 State route No. 524.

Applicable Cases

A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number 522 near Maltby.

[1991 c 342 § 41; 1984 c 7 § 137; 1970 ex.s. c 51 § 147.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.735 State route No. 525.

Applicable Cases

A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to the state ferry terminal at Mukilteo; also

From the state ferry terminal at Mukilteo via the state ferry system northerly to the state ferry terminal at Clinton; also

From the state ferry terminal at Clinton, thence northwesterly to a junction with state route number 20 in the vicinity east of Keystone.

[1994 c 209 § 8; 1973 1st ex.s. c 151 § 15; 1970 ex.s. c 51 § 148.]

RCW 47.17.740 State route No. 526.

Applicable Cases

A state highway to be known as state route number 526 is established as follows:

Beginning at a junction with state route number 525 at Mukilteo, thence easterly to a junction with state route number 5 in the vicinity of its junction with state route number 527.

[1970 ex.s. c 51 § 149.]

RCW 47.17.745 State route No. 527.

Applicable Cases

A state highway to be known as state route number 527 is established as follows:

Beginning at a junction with state route number 522 in the vicinity of Bothell, thence northerly to a junction with state route number 5 in the vicinity south of Everett.

[1970 ex.s. c 51 § 150.]

RCW 47.17.750 State route No. 528.

Applicable Cases

A state highway to be known as state route number 528 is established as follows:

Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9. Until such time as state route number 528 from Marysville to a junction with state route number 9 is actually constructed on the location adopted by the department, no existing city streets or county roads may be maintained or improved by the department as a temporary route of state route number 528.

[1984 c 7 § 138; 1971 ex.s. c 73 § 18; 1970 ex.s. c 51 § 151.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.752 State route No. 529.

Applicable Cases

A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence westerly and northerly through Everett to a junction with state route number 528 in Marysville.

[1991 c 342 § 42; 1971 ex.s. c 73 § 19.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.755 State route No. 530.

Applicable Cases

A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 in the vicinity west of Arlington, thence easterly and northerly by way of Darrington to a junction with state route number 20 in the vicinity of Rockport.

[1991 c 342 § 43; 1983 c 131 § 1; 1971 ex.s. c 73 § 20; 1970 ex.s. c 51 § 152.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.757 State route No. 531.

Applicable Cases

A state highway to be known as state route number 531 is established as follows:

Beginning at Wenberg state park, thence northerly and easterly to a junction with state route number 9 in the vicinity north of Marysville.

[1991 c 342 § 44.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.760 State route No. 532.

Applicable Cases

A state highway to be known as state route number 532 is established as follows:

Beginning at a point on Camano Island known as McEacherns Corner, thence easterly over a bridge and by way of Stanwood to a junction with state route number 530 in the vicinity of Stanwood, thence easterly to a junction with state route number 5 in the vicinity east of Stanwood.

[1970 ex.s. c 51 § 153.]

RCW 47.17.765 State route No. 534.

Applicable Cases

A state highway to be known as state route number 534 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southeasterly to a junction with state route number 9 at McMurray.

[1970 ex.s. c 51 § 154.]

RCW 47.17.770 State route No. 536.

Applicable Cases

A state highway to be known as state route number 536 is established as follows:

Beginning at a junction with state route number 20 at Fredonia, thence easterly to a junction with state route number 5 at Mt. Vernon.

[1973 1st ex.s. c 151 § 16; 1970 ex.s. c 51 § 155.]

RCW 47.17.780 State route No. 538.

Applicable Cases

A state highway to be known as state route number 538 is established as follows:

Beginning at a junction with state route number 5 at Mt. Vernon, thence easterly to a junction with state route number 9.

[1970 ex.s. c 51 § 157.]

RCW 47.17.785 State route No. 539.

Applicable Cases

A state highway to be known as state route number 539 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence northerly to the international boundary in the vicinity east of Delta.

[1970 ex.s. c 51 § 158.]

RCW 47.17.795 State route No. 542.

Applicable Cases

A state highway to be known as state route number 542 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence easterly to a point in the vicinity of Austin Pass in Whatcom county.

[1970 ex.s. c 51 § 160.]

RCW 47.17.797 State route No. 543.

Applicable Cases

A state highway to be known as state route number 543 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Blaine, thence northerly to the international boundary.

[1971 ex.s. c 73 § 22.]

RCW 47.17.800 State route No. 544.

Applicable Cases

A state highway to be known as state route number 544 is established as follows:

Beginning at a junction with state route number 539 in the vicinity of Wiser lake, thence

northeasterly by way of Everson to a junction with state route number 9 in the vicinity of Nooksack.

[1970 ex.s. c 51 § 161.]

RCW 47.17.805 State route No. 546.

Applicable Cases

A state highway to be known as state route number 546 is established as follows:

Beginning at a junction with state route number 539 approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with state route number 9.

[1970 ex.s. c 51 § 162.]

RCW 47.17.806 State route No. 547.

Applicable Cases

A state highway to be known as state route number 547 is established as follows:

Beginning at the junction of state route number 542 in the vicinity of Kendall, thence northwesterly to a junction with state route number 9 at Sumas.

[1984 c 197 § 2.]

RCW 47.17.807 State route No. 548.

Applicable Cases

A state highway to be known as state route number 548 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Ferndale, thence westerly and northerly to a junction with state route number 5 in Blaine.

[1991 c 342 § 45.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.808 State route No. 599.

Applicable Cases

A state highway to be known as state route number 599 is established as follows:

Beginning in the vicinity south of Seattle at a junction with state route number 5, thence in a northwesterly direction west of the Duwamish river to a junction with state route number 99 in the vicinity of South 118 street south of Seattle.

[1971 ex.s. c 73 § 23.]

RCW 47.17.815 State route No. 702.

Applicable Cases

A state highway to be known as state route number 702 is established as follows:

Beginning at a junction with state route number 507 at McKenna, thence easterly to a

junction with state route number 7.

[1970 ex.s. c 51 § 164.]

RCW 47.17.819 State route No. 705.

Applicable Cases

A state highway to be known as state route number 705 is established as follows:

Beginning at a junction with state route number 5 in Tacoma, thence northerly to a junction with Schuster Parkway in the Tacoma central business district.

[1979 ex.s. c 33 § 15.]

RCW 47.17.820 State route No. 706--Road to Paradise.

Applicable Cases

A state highway to be known as state route number 706, designated the Road to Paradise, is established as follows:

Beginning at a junction with state route number 7 at Elbe, thence easterly to a southwest entrance to Mt. Rainier National Park.

[1990 c 97 § 1; 1970 ex.s. c 51 § 165.]

RCW 47.17.821 State route No. 730.

Applicable Cases

A state highway to be known as state route number 730 is established as follows:

Beginning at the Washington-Oregon boundary line, thence northeasterly to a junction with state route number 12 south of Wallula.

[1985 c 177 § 5.]

RCW 47.17.823 State route No. 821.

Applicable Cases

A state highway to be known as state route number 821 is established as follows:

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 82 south of Ellensburg.

[1973 1st ex.s. c 151 § 9.]

RCW 47.17.824 State route No. 823.

Applicable Cases

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 in the vicinity of Selah northerly by way of Selah and easterly to a junction with state route number 821 in the vicinity of the firing center interchange.

Before award of any construction contract for improvements to state route number 823 under either program A or program C, the department of transportation shall secure a portion of the construction cost from the city of Selah or Yakima county, or both.

[1991 c 342 § 46; 1984 c 197 § 3.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.825 State route No. 900.

Applicable Cases

A state highway to be known as state route number 900 is established as follows:

Beginning at a junction with state route number 5 in Seattle near the Duwamish River, thence southerly by way of Renton to a junction with state route number 90 in the vicinity of Issaquah.

[1991 c 342 § 47; 1979 ex.s. c 33 § 16; 1970 ex.s. c 51 § 166.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.835 State route No. 902.

Applicable Cases

A state highway to be known as state route number 902 is established as follows:

Beginning at a junction with state route number 90, thence northwesterly, northerly, northeasterly, and easterly, via the town of Medical Lake, to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes.

[1991 c 342 § 49; 1970 ex.s. c 51 § 168.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.840 State route No. 903.

Applicable Cases

A state highway to be known as state route number 903 is established as follows:

Beginning at a junction with state route number 970 in the vicinity of Cle Elum, thence northwesterly by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

[1975 c 63 § 7; 1970 ex.s. c 51 § 169.]

RCW 47.17.845 State route No. 904.

Applicable Cases

A state highway to be known as state route number 904 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with state route number 90 in the vicinity of Four Lakes.

[1971 ex.s. c 73 § 25; 1970 ex.s. c 51 § 170.]

RCW 47.17.850 State route No. 906.

Applicable Cases

A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967, in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The legislative transportation committee, the house and senate transportation committees, and the department shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system.

[1984 c 7 § 139; 1977 ex.s. c 235 § 16; 1971 ex.s. c 73 § 26; 1970 ex.s. c 51 § 171.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.17.855 State route No. 908.

Applicable Cases

A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number 405 in Kirkland, thence easterly to a junction with state route number 202 in the vicinity of Redmond.

[1991 c 342 § 50; 1971 ex.s. c 73 § 27.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.917 State route No. 970.

Applicable Cases

A state highway to be known as state route number 970 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Cle Elum, thence northeasterly by way of Teanaway to a junction with state route number 97 in the vicinity of Virden.

[1975 c 63 § 12.]

RCW 47.17.919 State route No. 971.

Applicable Cases

A state highway to be known as state route number 971 is established as follows:

Beginning at a junction with state route number 97-alternate in the vicinity of Winesap, thence northerly to Lake Chelan state park, thence southeasterly to a junction with state route number 97-alternate west of Chelan.

[1991 c 342 § 51.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.960 Local bridges--Department responsibility.

Applicable Cases

Although not part of the state highway system, the bridges designated in this section shall remain the continuing responsibility of the Washington state department of transportation. Continuing responsibility includes all structural maintenance, repair, and replacement of the substructure, superstructure, and roadway deck. Local agencies are responsible for snow and ice control, sweeping, striping, lane marking, and channelization.

Facility	State of Washington Inventory of Bridges and Structures (SWIBS) Number
S. Fork Skykomish River Bridge	WN-002000487032
Manette Bridge	WN-303250032700
Grays River Bridge (Rosburg)	WN-403000064300
Elochoman Bridge	WN-407000023300

[1991 c 342 § 55.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.17.990 Construction--Refunds to counties composed of islands.

Applicable Cases

Nothing in this chapter precludes the refund of all vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and that have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, as authorized under RCW 46.68.080.

[1994 c 209 § 10.]

**Chapter 47.20 RCW
MISCELLANEOUS PROJECTS**

RCW	
47.20.570	Manette bridge authorized.
47.20.580	Washington State University highway authorized.
47.20.590	University of Washington approach authorized.
47.20.600	Washington State University highway, University of Washington approach--Acquisition of property.
47.20.605	Washington State University highway, University of Washington approach--Public use.
47.20.610	Washington State University highway, University of Washington approach--Condemnation.
47.20.620	Washington State University highway, University of Washington approach--Measure of damage to buildings.

- 47.20.630 Washington State University highway, University of Washington approach--Sale of buildings, personalty, acquired in acquisition of land.
- 47.20.635 University of Washington approach--Ordinance requisite--Construction and maintenance.
- 47.20.640 Reestablishment and redesignation of intersections when highway relocated.
- 47.20.645 Interstate 90 corridor--Legislative finding.
- 47.20.647 Interstate 90 corridor--Withdrawal of local governments from project--Effect on use of state funds.
- 47.20.653 Interstate 90 corridor--Court proceedings, priority.
- 47.20.700 State route No. 504 (Spirit Lake Memorial Highway)--Extension and parking facilities.
- 47.20.710 Quinault Tribal Highway--Agreement authorized--Route.
- 47.20.715 Quinault Tribal Highway--Maintenance, operation, improvements--Intersections, access.
- 47.20.720 Quinault Tribal Highway--Certain portion as limited access.
- 47.20.725 Quinault Tribal Highway--Acquisition of remaining right of way.
- 47.20.730 Quinault Tribal Highway--Department as agent.
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- 47.20.750 Design-build--Finding.
- 47.20.755 Design-build--Procedures--Definition.
- 47.20.760 Design-build--Other statutes applicable.
- 47.20.765 Design-build--When used.
- 47.20.770 Design-build--Release of sureties.
- 47.20.775 Design-build--Demonstration projects.
- 47.20.900 Severability--1975 1st ex.s. c 272.

RCW 47.20.570 Manette bridge authorized.

Applicable Cases

The department is authorized and directed to construct a bridge across Port Washington Narrows connecting state route number 304 at or near Bremerton with state route number 303 on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands as are necessary or proper for approaches to the bridge or for the relocation of any portion of the highway to locate the bridge at the most feasible place. The bridge shall become and be maintained as a part of the state highway system.

[1984 c 7 § 140; 1970 ex.s. c 51 § 173; 1961 c 13 § 47.20.570. Prior: 1947 c 4 p 6 § 2; Rem. Supp. 1947 § 6584a-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.580 Washington State University highway authorized.

Applicable Cases

The department is hereby authorized and directed to locate, construct, pave, and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with state route number 27, near the north boundary of the city of Pullman.

[1984 c 7 § 141; 1970 ex.s. c 51 § 174; 1961 c 13 § 47.20.580. Prior: 1945 c 27 § 1; Rem. Supp. 1945 § 6402-40.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.590 University of Washington approach authorized.

Applicable Cases

The department is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the city of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to the underpass.

[1984 c 7 § 142; 1961 c 13 § 47.20.590. Prior: 1945 c 27 § 2; Rem. Supp. 1945 § 6402-41.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.600 Washington State University highway, University of Washington approach--Acquisition of property.

Applicable Cases

The department is hereby authorized and directed in the name of the state of Washington to acquire by purchase, gift, or condemnation, any and all private real estate, rights, and interests necessary to locate, construct, and maintain the Washington State University highway and the University of Washington approach provided for herein.

[1984 c 7 § 143; 1961 c 13 § 47.20.600. Prior: 1945 c 27 § 3; Rem. Supp. 1945 § 6402-42.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.605 Washington State University highway, University of Washington approach--Public use.

Applicable Cases

The use of the private real estate, rights, and interests, selected by the department as necessary for the approach, underpass, and highway is declared to be a public use.

[1984 c 7 § 144; 1961 c 13 § 47.20.605. Prior: 1945 c 27 § 4; Rem. Supp. 1945 § 6402-43. Formerly RCW 47.20.600, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.610 Washington State University highway, University of Washington approach--Condemnation.

Applicable Cases

In case of condemnation to secure any real estate, rights, or interests authorized under this chapter, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located and in the manner provided by law for acquiring property for public uses for the state. In such actions the selection of the real estate, rights, and interests by the department is, in the absence of bad faith, arbitrary, capricious, or fraudulent action, conclusive upon the court and judge before which the action is brought that the

real estate, rights, and interests are necessary for public use for the purposes sought.

[1984 c 7 § 145; 1961 c 13 § 47.20.610. Prior: 1945 c 27 § 5; Rem. Supp. 1945 § 6402-44.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.620 Washington State University highway, University of Washington approach--Measure of damage to buildings.

Applicable Cases

If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving.

[1961 c 13 § 47.20.620. Prior: 1945 c 27 § 6; Rem. Supp. 1945 § 6402-45.]

RCW 47.20.630 Washington State University highway, University of Washington approach--Sale of buildings, personalty, acquired in acquisition of land.

Applicable Cases

The department shall have power to sell at public or private sale any building, equipment, or fixtures acquired in the acquisition of the real estate for such price as it shall fix and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state. Proceeds of the sale shall be placed in the motor vehicle fund of the state treasury. The department shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as it deems will lapse before construction of the approach, underpass, and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages.

[1984 c 7 § 146; 1961 c 13 § 47.20.630. Prior: 1945 c 27 § 7; Rem. Supp. 1945 § 6402-46.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.635 University of Washington approach--Ordinance requisite--Construction and maintenance.

Applicable Cases

No action may be taken by the department for the acquisition of real estate, rights, and interests for the approach and underpass to the University of Washington unless and until the city

of Seattle, through its legislative authority, enacts an ordinance providing that the city of Seattle will, within three months after the necessary real estate, rights, and interests have been secured by the state as provided in this chapter, begin the work of grading, paving, and such other work as is necessary to complete and render available for use of the public, the approach and underpass and approaches to the underpass; and further providing that the city of Seattle shall thereafter keep and maintain the approach and underpass and approach to the underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the city of Seattle is hereby authorized and empowered to do and perform.

[1984 c 7 § 147; 1961 c 13 § 47.20.635. Prior: 1945 c 27 § 8; Rem. Supp. 1945 § 6402-47.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.640 Reestablishment and redesignation of intersections when highway relocated.

Applicable Cases

In any case where a state highway is relocated in such manner that it ceases to intersect another state highway, the department is authorized to extend and designate either of the state highways to reestablish an appropriate intersection.

[1984 c 7 § 148; 1967 ex.s. c 145 § 44; 1961 c 13 § 47.20.640. Prior: 1953 c 82 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.645 Interstate 90 corridor--Legislative finding.

Applicable Cases

The legislature finds that the department initiated route studies for the location of that segment of the national system of interstate and defense highways (interstate system) between south Bellevue and state route No. 5 in Seattle in 1957 culminating in a corridor public hearing and adoption of a corridor in 1963; that thereafter the department, utilizing a multidisciplinary design team and soliciting the broadest public participation, developed a series of designs culminating in a public design hearing in 1970, a public limited access hearing in 1971, and adoption of a design and limited access plan for the facility in 1971; that commencing in 1970 the proposed facility has been the subject of numerous lawsuits and administrative proceedings that have prevented advancement of the project to construction; that since further development of the project was enjoined by federal courts in 1971 the cost of constructing the project has increased by more than one hundred million dollars; that the traffic congestion and traffic hazards existing in the existing highway corridor between south Bellevue, Mercer Island, and the city of Seattle are no longer tolerable; that after more than seventeen years of studies the public interest now requires that final decisions regarding the appropriate system for meeting the transportation requirements between south Bellevue and the city of Seattle be made promptly and in accordance with a prescribed schedule.

It is therefore the sense of the legislature that further protracted delay in establishing the transportation system to be constructed between south Bellevue and state route No. 5 in the city of Seattle is contrary to the interest of the people of this state and can no longer be tolerated as acceptable public administration. Accordingly the schedule for finally determining the character of transportation modes between south Bellevue and state route No. 5 in the city of Seattle as set forth in RCW 47.20.645 through 47.20.653 and 47.20.900 is adopted as the public policy of this state.

[1984 c 7 § 149; 1975 1st ex.s. c 272 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.20.647 Interstate 90 corridor--Withdrawal of local governments from project--Effect on use of state funds.

Applicable Cases

(1) The Puget Sound council of governments (until July 1, 1975, known as the Puget Sound governmental conference) now engaged in a study of the withdrawal from the interstate system of that segment of state route No. 90 between the south Bellevue interchange and the Connecticut street interchange on state route No. 5 and the substitution of public mass transit projects in lieu thereof as authorized by section 103(e)(4) of Title 23, United States Code, is directed to complete all phases of the study by November 1, 1975.

(2) No later than January 15, 1976, the city councils of Seattle, Mercer Island and Bellevue and the county council of King County shall each by resolution either approve or disapprove a request to withdraw from the interstate system the segment of state route No. 90 between south Bellevue interchange and the Connecticut street interchange on state route No. 5. Nothing in this subsection shall be construed as requiring the city or county councils to adopt by January 15, 1976 any proposal for substitute mass transit projects.

(3) If at least three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, and such request is thereafter concurred in by the governor and the Puget Sound council of governments, such determination shall be final as it relates to the state of Washington and except as may be required to terminate the project in an orderly manner, no moneys shall thereafter be expended from the motor vehicle fund for further development of the designated section of highway as an interstate highway without further express authorization of the legislature.

(4) If fewer than three of the four city and county councils request withdrawal from the interstate system of the designated segment of state route No. 90 by January 15, 1976, or if the governor does not concur in the withdrawal request, then no tax revenues collected by the state of Washington shall thereafter be expended for the construction of substitute public mass transit projects in the Seattle metropolitan area pursuant to section 103(e)(4) of Title 23, United States Code, without further express authorization of the legislature.

[1975 1st ex.s. c 272 § 2.]

RCW 47.20.653 Interstate 90 corridor--Court proceedings, priority.

Applicable Cases

State court proceedings instituted to challenge the validity of any steps taken in pursuance of the construction of the segment of the interstate system between south Bellevue and state route No. 5 in Seattle, or the construction of substitute public mass transit projects in lieu thereof, shall take precedence over all other causes not involving the public interest in all courts of this state to the end construction of such facilities may be expedited to the fullest. The legislature of the state of Washington respectfully requests of the federal judiciary that challenges instituted in the federal courts relating to the validity of steps leading to the construction of the designated interstate highway or substitute public mass transit projects in lieu thereof be expedited to the fullest.

[1975 1st ex.s. c 272 § 5.]

RCW 47.20.700 State route No. 504 (Spirit Lake Memorial Highway)--Extension and parking facilities.

Applicable Cases

The department of transportation may provide for the construction of an extension of state route number 504 from the vicinity of Maple Flats to the vicinity of the United States Corps of Engineers debris dam on the north fork of the Toutle river on an alignment to be approved by the department of transportation. The department may enter into an agreement with the principal owner of the necessary right of way providing as follows:

(1) The owner of the right of way shall construct the highway extension and public parking facilities as specified by the department of transportation.

(2) The owner of the right of way shall convey to the state, right of way for the highway extension a minimum of one hundred fifty feet in width (except right of way presently under the control of the department of natural resources), together with areas for public parking facilities as designated by the department of transportation.

(3) The department of transportation shall reimburse the present owner of the right of way for the actual cost of construction of the highway extension and the public parking facilities.

(4) The construction of the highway extension and public parking facilities shall be completed within one year after March 27, 1982.

The department of transportation may acquire that part of the right of way necessary for the highway extension that is now under the control of the department of natural resources in the manner provided in RCW 47.12.023 through 47.12.029.

All expenditures by the department of transportation pursuant to this section shall be from appropriations for the construction of category A projects.

[1982 c 82 § 2.]

RCW 47.20.710 Quinault Tribal Highway--Agreement authorized--Route.

Applicable Cases

The department of transportation is authorized to enter into a cooperative agreement with the governing authority for the Indian peoples of the Quinault Indian Reservation and appropriate agencies of the United States for the location, design, right of way acquisition, construction, and maintenance of a highway beginning at the south boundary of the Quinault Indian reservation on state route number 109, thence northerly along the present right of way of state route number 109 to the township line, thence inland and northerly across the Raft river to an intersection with state route number 101 south of Queets. The highway shall be known as the "Tribal Highway" and may also be designated by the department as state route number 109. It is anticipated that this highway construction will be funded from federal sources other than normal federal aid highway allocations.

[1985 c 228 § 1.]

Notes:

State route number 109: RCW 47.17.200.

RCW 47.20.715 Quinault Tribal Highway--Maintenance, operation, improvements--Intersections, access.

Applicable Cases

As a part of the agreement, the department may assume responsibility for the operation and maintenance and future improvement of the highway. The agreement may also reserve to the governing authority for the Indian peoples of the Quinault Indian Reservation authority to construct public road intersections or grade separation crossings of the highway. Existing rights of access from adjoining property to existing state route number 109 from the south reservation boundary to the township line shall not be affected by RCW 47.20.710 through 47.20.735 or the agreement authorized by RCW 47.20.710.

[1985 c 228 § 2.]

RCW 47.20.720 Quinault Tribal Highway--Certain portion as limited access.

Applicable Cases

The department is authorized to determine the location of the highway from the township line to a junction with state route number 101 after consultations with the governing authority for the Indian peoples of the Quinault Indian Reservation and the bureau of Indian affairs. The department may then proceed with the establishment of this section of the highway as a limited access facility in the manner prescribed in RCW 47.52.131 through 47.52.137 and 47.52.195 (and the administrative rules adopted by the department to implement those sections), subject, however, to the following conditions: (1) The access report required by RCW 47.52.131 shall be approved by the governing authority for the Indian peoples of the Quinault Indian Reservation before public hearings; and (2) the final limited access plan adopted pursuant to RCW 47.52.137 at the conclusion of the public hearing, or after any appeal from it has been decided, shall be approved by the governing authority for the Indian peoples of the Quinault Indian Reservation and the bureau of Indian affairs before right of way is acquired for this section of highway.

[1985 c 228 § 3.]

RCW 47.20.725 Quinault Tribal Highway--Acquisition of remaining right of way.

Applicable Cases

The department is authorized to acquire the remaining right of way for the Tribal Highway by purchase or by condemnation under state or federal eminent domain statutes. The secretary of transportation pursuant to the agreement is authorized to convey by deed to the governing authority for the Indian peoples of the Quinault Indian Reservation the right of way to the entire highway when fully acquired in return for a conveyance by the governing authority for the Indian peoples of the Quinault Indian Reservation to the state of Washington of a perpetual easement for public travel on the through lanes and shoulders of the highway when constructed. The agreement may also authorize the governing authority for the Indian peoples of the Quinault Indian Reservation to convey to the United States an easement to construct, maintain, and repair the highway improvements if such an easement is required by regulations of the bureau of Indian affairs.

[1985 c 228 § 4.]

RCW 47.20.730 Quinault Tribal Highway--Department as agent.

Applicable Cases

Except as otherwise provided by RCW 47.20.710 through 47.20.735 or by the agreement authorized by RCW 47.20.710, the department may proceed with the location, design, acquisition of right of way, construction, and maintenance of the highway as an agent of the governing authority for the Indian peoples of the Quinault Indian Reservation in accordance with applicable state or federal law.

[1985 c 228 § 5.]

RCW 47.20.735 Quinault Tribal Highway--Authority to seek federal funding.

Applicable Cases

The department is authorized to join with the governing authority for the Indian peoples of the Quinault Indian Reservation to seek federal funding for the construction of the Tribal Highway.

[1985 c 228 § 6.]

RCW 47.20.750 Design-build--Finding. (*Expires April 30, 2001.*)

Applicable Cases

The legislature finds and declares that a contracting procedure that facilitates construction of transportation facilities in a more timely manner may occasionally be needed to ensure that construction can proceed simultaneously with the design of the facility.

[1998 c 195 § 1.]

Notes:

Expiration date--1998 c 195: *"This act expires April 30, 2001, unless extended by the legislature."* [1998 c 195 § 7.]

RCW 47.20.755 Design-build--Procedures--Definition. (Expires April 30, 2001.)

Applicable Cases

The department of transportation shall develop, by January 1, 1999, a process for awarding competitively bid highway construction contracts for projects over ten million dollars that may be constructed using a design-build procedure. As used in this section, "design-build procedure" means a method of contracting under which the department of transportation contracts with another party for such party to both design and build the structures, facilities, and other items specified in the contract.

The process developed by the department shall, at a minimum, include the scope of services required under the design-build procedure, contractor prequalification requirements, criteria for evaluating technical information and project costs, contractor selection criteria, and an issue resolution procedure. If a request for proposal will be used, the requirements of RCW 39.10.050 (4), (5), and (6) apply.

[1998 c 195 § 2.]

Notes:

Expiration date--1998 c 195: *See note following RCW 47.20.750.*

RCW 47.20.760 Design-build--Other statutes applicable. (Expires April 30, 2001.)

Applicable Cases

RCW 39.10.080, 39.10.090, and 39.10.100 and the notice requirements of RCW 39.10.030 (2), (3), and (4) apply to chapter 195, Laws of 1998.

[1998 c 195 § 3.]

Notes:

Expiration date--1998 c 195: *See note following RCW 47.20.750.*

RCW 47.20.765 Design-build--When used. (Expires April 30, 2001.)

Applicable Cases

The department may use the design-build procedure for public works projects over ten million dollars where:

- (1) The construction activities are highly specialized and a design-build approach, as defined in RCW 47.20.755, is critical in developing the construction methodology; or*
- (2) The projects selected provide opportunity for greater innovation and efficiencies between the designer and the builder; or*
- (3) Significant savings in project delivery time would be realized.*

[1998 c 195 § 4.]

Notes:

Expiration date--1998 c 195: *See note following RCW 47.20.750.*

RCW 47.20.770 Design-build--Release of sureties. (Expires April 30, 2001.)

Applicable Cases

Sureties are not responsible for damages, including corrective work, attributable to the design aspect of a design-build project.

[1998 c 195 § 5.]

Notes:

Expiration date--1998 c 195: See note following RCW 47.20.750.

RCW 47.20.775 Design-build--Demonstration projects. (Expires April 30, 2001.)

Applicable Cases

A demonstration program consisting of two projects must be implemented using the design-build method of contracting, as prescribed under a process developed by the department of transportation under RCW 47.20.755. The department shall select projects valued over ten million dollars for the demonstration program.

The department shall present progress reports on the demonstration projects to the legislative transportation committee and the alternative public works oversight committee during the course of the performance of the demonstration projects. The department shall present a final detailed report to the legislative transportation committee within one year of completion of the demonstration projects. The report must detail the advantages and disadvantages of the design-build construction process and make recommendations for possible changes in law, and in how the process may be used for future department projects.

[1998 c 195 § 6.]

Notes:

Expiration date--1998 c 195: See note following RCW 47.20.750.

RCW 47.20.900 Severability--1975 1st ex.s. c 272.

Applicable Cases

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

[1975 1st ex.s. c 272 § 6.]

**Chapter 47.22 RCW
COMBINATION HIGHWAY ROUTES**

RCW

47.22.010 East Pacific highway.

47.22.020 Lewis and Clark Highway.

RCW 47.22.010 East Pacific highway.

Applicable Cases

There is hereby established the east Pacific highway which shall be composed of the following existing highway routes: Beginning on state route number 5 at or near Centralia; thence by way of state route number 5 to its junction with state route number 12 or by way of state route number 507 between Centralia and Tenino; thence on state route number 507 to Roy junction with state route number 7; thence on state route number 7 to a junction with state route number 512; thence on state route number 512 to Puyallup; thence on state route numbers 410 and 167 to Sumner, Auburn, Kent and Renton; thence on state route number 405 to Kirkland; thence on state route number 405 north to a junction with state route number 522; thence on state route number 522 to a junction with state route number 9 northeast of Woodinville; and thence on state route number 9 to Snohomish, Arlington, Sedro Woolley, and to a junction with state route number 542 at Deming; thence westerly on state route 542 to a junction with state route number 9 at Lawrence; thence on state route number 9 via Sumas, to the Canadian international boundary.

[1970 ex.s. c 51 § 175; 1961 c 13 § 47.22.010. Prior: 1951 c 273 § 1.]

RCW 47.22.020 Lewis and Clark Highway.

Applicable Cases

There is established the Lewis and Clark Highway, which shall be composed of the following existing routes: State route 193 from the junction of state route 12 at Clarkston to Wawawai River Road; state route 12 from Clarkston to Waitsburg; state route 124 from Waitsburg to Pasco (west); state route 12 from Pasco to Waitsburg via Wallula and Walla Walla (east); state routes 395 and 82 from state route 12, through the Tri-Cities region, to the junction at state route 14; state route 14 from the junction of state routes 395 and 82 to Maryhill; state routes 14 and 5 from Maryhill to state route 432 through Longview to state route 4; state route 4 from Longview to the junction with state route 101 near the vicinity of Johnson's landing; state route 401 from Naselle junction to Megler; state route 101 from Megler through Ilwaco and Seaview to the junction with state route 4; state route spur/alternate state route 101; state route loop 100; state route spur 100; and state route 103.

[1999 c 57 § 1; 1970 ex.s. c 51 § 176; 1967 ex.s. c 145 § 13; 1961 c 13 § 47.22.020. Prior: 1955 c 178 § 1.]

Chapter 47.24 RCW CITY STREETS AS PART OF STATE HIGHWAYS

RCW

47.24.010	Designation--Construction, maintenance--Return to city or town.
47.24.020	Jurisdiction, control.
47.24.030	Acquisition of rights of way--Condemnation proceedings.
47.24.040	Street fund--Expenditures on streets forming part of state highway.
47.24.050	Aid on streets by state or county--Payment.

Notes:

City streets

parkways, boulevards, generally: Title 35 RCW.

sidewalks, etc.: Chapters 35.68 through 35.79 RCW.

Design standards committee for city streets: Chapter 35.78 RCW.

Off-street parking

cities: Chapter 35.86 RCW.

towns: RCW 35.27.550 through 35.27.590.

Platted streets as public highways: RCW 58.08.035, 58.08.050.

Speed limits in cities: RCW 46.61.415, 46.61.430, 46.61.440.

Viaducts, bridges, elevated roadways, tunnels, etc., in cities: Chapter 35.85 RCW.

RCW 47.24.010 Designation--Construction, maintenance--Return to city or town.

Applicable Cases

The transportation commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the department of transportation shall identify by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the department of transportation from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the department of transportation to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the department that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the department and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

[1998 c 245 § 97; 1979 ex.s. c 86 § 2; 1977 ex.s. c 151 § 57; 1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Notes:

Severability--1979 ex.s. c 86: See note following RCW 13.24.040.

RCW 47.24.020 Jurisdiction, control.

Applicable Cases

The jurisdiction, control, and duty of the state and city or town with respect to such

streets shall be as follows:

(1) The department has no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes. However, within incorporated cities and towns the title to a state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over such facility as provided in chapter 47.52 RCW;

(3) The department has authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and has the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town has the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway. In cities and towns having a population of twenty-two thousand five hundred or less according to the latest determination of population by the office of financial management, the state, when necessary for public safety, shall assume, at its expense, responsibility for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself. When the population of a city or town first exceeds twenty-two thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. The state shall install, maintain, and operate all illuminating facilities on any limited access facility, together with its interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance, and operation incurred after November 1, 1954;

(7) The department has the right to use all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the department, the cost of the facilities shall be borne by the state and/or city as may be mutually agreed upon between the department and the governing body of the city or town;

(8) Cities and towns have exclusive right to grant franchises not in conflict with state laws, over, beneath, and upon such streets, but the department is authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town has granted on such street. No franchise for transportation of passengers in motor vehicles may be

granted on such streets without the approval of the department, but the department shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair, and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town has the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the department;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto are subject to the approval of the department before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the department heretofore or within one year after March 21, 1963;

(12) The department shall erect, control, and maintain at state expense all route markers and directional signs, except street signs, on such streets;

(13) The department shall install, operate, maintain, and control at state expense all traffic control signals, signs, and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of twenty-two thousand five hundred or less according to the latest determination of population by the office of financial management. Such cities and towns may submit to the department a plan for traffic control signals, signs, and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the department shall consult with the cities or towns concerning the plan before installing such signals, signs, or devices. Cities and towns having a population in excess of twenty-two thousand five hundred according to the latest determination of population by the office of financial management shall install, maintain, operate, and control such signals, signs, and devices at their own expense, subject to approval of the department for the installation and type only. When the population of a city or town first exceeds twenty-two thousand five hundred according to the determination of population by the office of financial management, the city or town shall have three years from the date of the determination to plan for additional staffing, budgetary, and equipment requirements before being required to assume the responsibilities under this subsection. For the purpose of this subsection, striping, lane marking, and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets belongs to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way so acquired shall vest in

the city or town: PROVIDED, That no vacation, sale, rental, or any other nontransportation use of any unused portion of any such street may be made by the city or town without the prior written approval of the department; and all revenue derived from sale, vacation, rental, or any nontransportation use of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town fails to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the department for the maintenance of a city or town street forming part of the route of a state highway, the department may notify the mayor of the city or town to perform the necessary maintenance within thirty days. If the city or town within the thirty days fails to perform the maintenance or fails to authorize the department to perform the maintenance as provided by RCW 47.24.050, the department may perform the maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to the city or town.

[1993 c 126 § 1; 1991 c 342 § 52; 1987 c 68 § 1; 1984 c 7 § 150; 1977 ex.s. c 78 § 7; 1967 c 115 § 1; 1963 c 150 § 1; 1961 c 13 § 47.24.020. Prior: 1957 c 83 § 3; 1955 c 179 § 3; 1953 c 193 § 1; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.24.030 Acquisition of rights of way--Condemnation proceedings.

Applicable Cases

The department is authorized to acquire rights of way, by purchase, gift, or condemnation for any such streets, highways, bridges, and wharves. Any such condemnation proceedings shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways.

[1984 c 7 § 151; 1961 c 13 § 47.24.030. Prior: 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Right of way donations: Chapter 47.14 RCW.

RCW 47.24.040 Street fund--Expenditures on streets forming part of state highway.

Applicable Cases

All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "city street fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the state, for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any city street or bridge, or viaduct or underpassage along, upon

or across such streets. Such expenditure may be made either independently or in conjunction with any federal, state or any county funds.

[1961 c 13 § 47.24.040. Prior: 1949 c 220 § 4; 1947 c 96 § 1; 1943 c 82 § 9; 1939 c 181 § 8; 1937 c 187 § 60; Rem. Supp. 1949 § 6450-60.]

RCW 47.24.050 Aid on streets by state or county--Payment.

Applicable Cases

If a city or town, whether or not any of its streets are designated as forming a part of a state highway, is unable to construct, repair, or maintain its streets for good cause, or if it is in need of engineering assistance to construct, repair, or maintain any of its streets, it may authorize the department to perform such construction, repair, or maintenance, or it may secure necessary engineering assistance from the department, to the extent of the funds credited or to be credited in the motor vehicle fund for payment to the city or town. Any sums due from a city or town for such purposes shall be paid on vouchers approved and submitted by the department from moneys credited to the city or town in the motor vehicle fund, and the amount of the payments shall be deducted from funds which would otherwise be paid to the city or town from the motor vehicle fund. The department may in certain special cases, in its discretion, enter into an agreement with the governing officials of the city or town for the performance of such work or services, the terms of which shall provide for reimbursement of the motor vehicle fund for the benefit of the state's share of the fund by the city or town of the cost thereof from any funds of the city or town on hand and legally available for the work or services. The city or town may, by resolution, authorize the legislative authority of the county in which it is located, to perform any such construction, repair, or maintenance, and the work shall be paid for by the city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by a county shall be deposited in the county road fund to be expended under the same provisions as are imposed upon the funds used to perform the construction, repair, or maintenance.

[1984 c 7 § 152; 1961 c 13 § 47.24.050. Prior: 1951 c 54 § 1; 1949 c 220 § 6; 1943 c 82 § 11; 1937 c 187 § 63; Rem. Supp. 1949 § 6450-63.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Chapter 47.26 RCW

DEVELOPMENT IN URBAN AREAS--URBAN ARTERIALS

- 47.26.010 Declaration of intent.
- 47.26.020 Motor vehicle fuel tax--Tax imposed--Rate--Allocation of proceeds.
- 47.26.022 Motor vehicle fuel tax--Tax required of nondistributors--Duties--Procedure--Distribution of proceeds--Penalties.
- 47.26.028 Special fuel tax--Tax imposed--Rate.
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- 47.26.121 Transportation improvement board--Membership--Chair--Expenses.
- 47.26.130 Transportation improvement board--Travel expenses.
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- 47.26.150 Transportation improvement board--Meetings.
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- 47.26.170 Long-range arterial construction planning--Arterial inventory data.
- 47.26.185 Qualifications for administering and supervising projects--Rules.
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- 47.26.210 Cities--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.
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BOND ISSUE--STATE HIGHWAYS IN URBAN AREAS

- 47.26.400 Issuance and sale of general obligation bonds--Authorized--Amount--Declaration of purpose.
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IN URBAN AREAS

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- 47.26.426 Bonds--Repayment procedure--Bond retirement account.
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BOND ISSUE--TRANSPORTATION PROJECTS IN URBAN AREAS

- 47.26.500 Issuance authorized.
- 47.26.501 Term--Signatures--Registration--Negotiable instruments.
- 47.26.502 Denominations--Manner and terms of sale--State investment.
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- 47.26.505 Funds for repayment.
- 47.26.506 Repayment procedure--Bond retirement account.
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- 47.26.900 Severability--1967 ex.s. c 83.
- 47.26.910 Effective dates--1967 ex.s. c 83.
- 47.26.930 Construction--1969 ex.s. c 171.

Notes:

Bicycle transportation management program: RCW 47.04.190.

Public-private transportation initiatives--1994 act: RCW 47.10.834 through 47.10.839.

RCW 47.26.010 Declaration of intent.

Applicable Cases

Due to unprecedented industrial development and population increases, the state of Washington is confronted with emergency needs for improvement of state highways, county roads, and city streets in urban areas. It is the intent of the legislature to provide sufficient new highway revenues to alleviate and prevent intolerable traffic congestion in urban areas without the disruption of the long range state-wide highway program essential to the economic well-being of the people of this state.

[1967 ex.s. c 83 § 1.]

Notes:

Reviser's note: Throughout chapter 47.26 RCW the term "this 1967 amendatory act" has been translated to "this chapter." This 1967 amendatory act [1967 ex.s. c 83] consists of chapter 47.26 RCW and RCW 35.77.010, 36.81.121, 46.16.040, 46.16.070, 46.16.111, 46.16.121, 46.16.125, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020, 82.40.290, and the repeal of RCW 46.16.072, 46.16.075, 46.16.110, and 46.16.120.

RCW 47.26.020 Motor vehicle fuel tax--Tax imposed--Rate--Allocation of proceeds.

Applicable Cases
See RCW 82.36.020.

RCW 47.26.022 Motor vehicle fuel tax--Tax required of nondistributors--Duties--Procedure--Distribution of proceeds--Penalties.

Applicable Cases
See RCW 82.36.100.

RCW 47.26.028 Special fuel tax--Tax imposed--Rate.

Applicable Cases
See RCW 82.38.030.

RCW 47.26.030 Special fuel tax--Disposition of funds.

Applicable Cases
See RCW 82.38.290.

RCW 47.26.040 "Urban area" defined.

Applicable Cases

The term "urban area" as used in this chapter means every area of this state designated as an urban area by the department in cooperation with the board and regional transportation planning organizations.

[1994 c 179 § 7; 1984 c 7 § 153; 1977 ex.s. c 317 § 12; 1975 1st ex.s. c 253 § 1; 1967 ex.s. c 83 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.044 "Board" defined.

Applicable Cases

The term "board" as used in this chapter means the transportation improvement board.

[1994 c 179 § 6.]

RCW 47.26.050 Regional grouping for purpose of apportioning urban state highway funds.

Applicable Cases

For the purpose of apportioning urban state highway funds, the urban areas of the state are grouped within five regions of the state as follows:

(1) Puget Sound region shall include those urban areas within the counties of King, Pierce and Snohomish.

(2) Northwest region shall include those urban areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit and Whatcom.

(3) Northeast region shall include those urban areas within the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and

Whitman.

(4) Southeast region shall include those urban areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla and Yakima.

(5) Southwest region shall include those urban areas within the counties of Clark, Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum.

[1967 ex.s. c 83 § 11.]

RCW 47.26.080 Urban arterial trust account--Withholding of funds for noncompliance.

Applicable Cases

There is hereby created in the motor vehicle fund the urban arterial trust account. The intent of the urban arterial trust account program is to improve the arterial street system of the state by improving mobility and safety while supporting an environment essential to the quality of life of the citizens of the state of Washington. The city hardship assistance program, as provided in RCW 47.26.164, and the small city program, as provided for in RCW 47.26.115, are implemented within the urban arterial trust account.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under RCW 36.70A.340.

[1999 c 94 § 16; 1994 c 179 § 8; 1991 sp.s. c 32 § 32; 1988 c 167 § 13; 1981 c 315 § 2; 1979 c 5 § 1; 1977 ex.s. c 317 § 22; 1967 ex.s. c 83 § 14.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--1981 c 315: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1981." [1981 c 315 § 14.]

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.084 Transportation improvement account--Certification of funding.

Applicable Cases

The transportation improvement account is hereby created in the motor vehicle fund. The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

Within one year after board approval of an application for funding, a county, city, or transportation benefit district shall provide written certification to the board of the pledged local and/or private funding. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

[1999 c 94 § 17; 1994 c 179 § 10; 1988 c 167 § 2.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.086 Transportation improvement account projects--Intent--Limitations.

Applicable Cases

Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multi-agency projects and arterial improvement projects in fast-growing areas. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our state-wide transportation system needs.

To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law and consideration must have been given to the project's relationship, both actual and potential, with the state-wide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

Within one year after board approval of an application for funding, the lead agency shall provide written certification to the board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

[1994 c 179 § 11.]

RCW 47.26.090 "Arterial" defined.

Applicable Cases

The term "arterial" as used in this chapter means any state highway, county road, or city street, in an urban area, that is functionally classified as a principal arterial, minor arterial, or collector street by the department in cooperation with the board, regional transportation planning organizations, cities, and counties. The board shall develop criteria and procedures for designating arterials in the incorporated cities and towns lying outside urban areas.

[1994 c 179 § 12; 1988 c 167 § 14. Prior: 1967 ex.s. c 83 § 15.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.100 "City" defined.

Applicable Cases

The term "city" as used in *this chapter shall include incorporated towns.

[1967 ex.s. c 83 § 16.]

Notes:

***Reviser's note:** The term "this chapter" has been substituted for "this 1967 amendatory act." See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

RCW 47.26.110 "Urban arterial" defined.

Applicable Cases

The term "urban arterial" as used in *this chapter means an arterial within an urban area.

[1967 ex.s. c 83 § 17.]

Notes:

***Reviser's note:** The term "this chapter" has been substituted for "this 1967 amendatory act." See note following RCW 47.26.010 for codification of "this 1967 amendatory act." [1967 ex.s. c 83.]

RCW 47.26.115 Small city program.

Applicable Cases

The intent of the small city program is to preserve and improve the roadway system consistent with local needs of incorporated cities and towns with a population of less than five thousand. The board shall adopt rules and procedures to govern the allocation of funds distributed to the small city program.

[1999 c 94 § 18; 1994 c 179 § 9.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 47.26.121 Transportation improvement board--Membership--Chair--Expenses.

Applicable Cases

(1) There is hereby created a transportation improvement board of twenty-one members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) One representative appointed by the governor who shall be a state employee with responsibility for transportation policy, planning, or funding; (b) two representatives from the department of transportation; (c) two representatives of public transit systems; (d) a private sector representative; (e) a member representing the ports; (f) a member representing nonmotorized transportation; and (g) a member representing special needs transportation.

(2) Of the county members of the board, one shall be a county engineer or public works director; one shall be the executive director of the county road administration board; one shall be a county planning director or planning manager; one shall be a county executive, councilmember,

or commissioner from a county with a population of one hundred twenty-five thousand or more; one shall be a county executive, councilmember, or commissioner of a county who serves on the board of a public transit system; and one shall be a county executive, councilmember, or commissioner from a county with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. No more than two of the three county-elected officials may represent counties located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(3) Of the city members of the board one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city with a population of twenty thousand or more; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; one shall be a city planning director or planning manager; one shall be a mayor, commissioner, or city councilmember of a city with a population of twenty thousand or more; one shall be a mayor, commissioner, or city councilmember of a city who serves on the board of a public transit system; and one shall be a mayor, commissioner, or councilmember of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city. No more than two of the three city-elected officials may represent cities located in either the eastern or western part of the state as divided north and south by the summit of the Cascade mountains.

(4) Of the transit members, at least one shall be a general manager, executive director, or transit director of a public transit system in an urban area with a population over two hundred thousand and at least one representative from a rural or small urban transit system in an area with a population less than two hundred thousand.

(5) The private sector member shall be a citizen with business, management, and transportation related experience and shall be active in a business community-based transportation organization.

(6) The port member shall be a commissioner or senior staff person of a public port.

(7) The nonmotorized transportation member shall be a citizen with a demonstrated interest and involvement with a nonmotorized transportation group.

(8) The specialized transportation member shall be a citizen with a demonstrated interest and involvement with a state-wide specialized needs transportation group.

(9) Appointments of county, city, Washington department of transportation, transit, port, nonmotorized transportation, special needs transportation, and private sector representatives shall be made by the secretary of the department of transportation. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members, the association of Washington cities for city members, the Washington state transit association for the transit members, and the Washington public ports association for the port member. The private sector, nonmotorized transportation, and special needs members shall be sought through classified advertisements in selected newspapers collectively serving all urban

areas of the state, and other appropriate means. Persons applying for the private sector, nonmotorized transportation, or special needs transportation member position must provide a letter of interest and a resume to the secretary of the department of transportation. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason or when a private sector, nonmotorized transportation, or special needs transportation member resigns or is unable or unwilling to serve.

(10) Appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years. The initial term of appointed members may be for less than four years. No appointed member may serve more than two consecutive four-year terms.

(11) The board shall elect a chair from among its members for a two-year term.

(12) Expenses of the board shall be paid in accordance with RCW 47.26.140.

(13) For purposes of this section, "public transit system" means a city-owned transit system, county transportation authority, metropolitan municipal corporation, public transportation benefit area, or regional transit authority.

[1996 c 49 § 1; 1995 c 269 § 2603; 1994 c 179 § 13; 1993 c 172 § 1. Prior: 1991 c 363 § 124; 1991 c 308 § 1; 1990 c 266 § 4; 1988 c 167 § 1.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Effective date--1993 c 172: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 172 § 2.]

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Effective date--1991 c 308: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 308 § 2.]

References to urban arterial board--1988 c 167: "References in the Revised Code of Washington to the urban arterial board shall be construed to mean the transportation improvement board." [1988 c 167 § 35.]

Savings--1988 c 167: "All rules and all pending business before the urban arterial board shall be continued and acted upon by the transportation improvement board. All existing contracts and obligations of the urban arterial board shall remain in full force and shall be performed by the transportation improvement board." [1988 c 167 § 36.]

Severability--1988 c 167: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1988 c 167 § 37.]

RCW 47.26.130 Transportation improvement board--Travel expenses.

Applicable Cases

Members of the transportation improvement board shall receive no compensation for their services on the board, but shall be reimbursed for travel expenses incurred while attending

meetings of the board or while engaged on other business of the board when authorized by the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

[1988 c 167 § 15; 1975-'76 2nd ex.s. c 34 § 139; 1975 1st ex.s. c 1 § 2; 1969 ex.s. c 171 § 2; 1967 ex.s. c 83 § 19.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 47.26.140 Transportation improvement board--Executive director, staff--Finances.

Applicable Cases

The transportation improvement board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board, and may employ additional staff as it deems appropriate. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the urban arterial trust account, public transportation systems account, and the transportation improvement account in the motor vehicle fund as determined by the biennial appropriation.

[1999 c 94 § 19; 1996 c 49 § 2; 1995 c 269 § 2605; 1994 c 179 § 14; 1988 c 167 § 16; 1977 ex.s. c 151 § 58; 1975-'76 2nd ex.s. c 34 § 140; 1969 ex.s. c 171 § 3; 1967 ex.s. c 83 § 20.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--Severability--1975-'76 2nd ex.s. c 34: See notes following RCW 2.08.115.

RCW 47.26.150 Transportation improvement board--Meetings.

Applicable Cases

The transportation improvement board shall meet at least once quarterly and upon the call of its chairman and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this chapter.

[1988 c 167 § 17. Prior: 1967 ex.s. c 83 § 21.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.160 Transportation improvement board--Powers and duties.

Applicable Cases

The transportation improvement board shall:

- (1) Adopt rules necessary to implement the provisions of chapter 47.66 RCW and this chapter relating to the allocation of funds;
- (2) Adopt reasonably uniform design standards for city and county arterials.

[1995 c 269 § 2607; 1994 c 179 § 15; 1988 c 167 § 18; 1987 c 505 § 51; 1984 c 7 § 155; 1977 ex.s. c 235 § 17; 1971 ex.s. c 291 § 1; 1967 ex.s. c 83 § 22.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.164 City hardship assistance program--Implementation.

Applicable Cases

The board shall adopt reasonable rules necessary to implement the city hardship assistance program as recommended by the road jurisdiction study.

The following criteria shall be used to implement the program:

(1) Only those cities with a net gain in cost responsibility due to jurisdictional transfers in chapter 342, Laws of 1991, as determined by the board, may participate;

(2) Cities with populations of fifteen thousand or less, as determined by the office of financial management, may participate;

(3) The board shall develop criteria and procedures under which eligible cities may request funding for rehabilitation projects on city streets acquired under chapter 342, Laws of 1991; and

(4) The board shall also be authorized to allocate funds from the city hardship assistance program to cities with a population under twenty thousand to offset extraordinary costs associated with the transfer of roadways other than pursuant to chapter 342, Laws of 1991, that occur after January 1, 1991.

[1999 c 94 § 20; 1991 c 342 § 60.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective dates--1991 c 342: See note following RCW 47.26.167.

RCW 47.26.165 Coordination of long-range needs studies.

Applicable Cases

See RCW 47.01.240.

RCW 47.26.167 Jurisdictional transfers.

Applicable Cases

The legislature recognizes the need for a multijurisdictional body to review future requests for jurisdictional transfers. The board is hereby directed, beginning September 1, 1991, to receive petitions from cities, counties, or the state requesting any addition or deletion from the state highway system. The board is required to utilize the criteria established in RCW 47.17.001 in evaluating petitions and to adopt rules for implementation of this process. The board shall forward to the legislative transportation committee by November 15 each year any recommended jurisdictional transfers.

[1991 c 342 § 62.]

Notes:

Effective dates--1991 c 342: "(1) Sections 62 and 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

(2) The remainder of this act shall take effect April 1, 1992." [1991 c 342 § 68.]

RCW 47.26.170 Long-range arterial construction planning--Arterial inventory data.

Applicable Cases

Each county having within its boundaries an urban area and cities and towns shall prepare and submit to the transportation improvement board arterial inventory data required to determine the long-range arterial construction needs. The counties, cities, and towns shall revise the arterial inventory data every four years to show the current arterial construction needs through the advanced planning period, and as revised shall submit them to the transportation improvement board during the first week of January every four years beginning in 1996. The inventory data shall be prepared pursuant to guidelines established by the transportation improvement board. As information is updated, it shall be made available to the commission and the legislative transportation committee.

[1994 c 179 § 16; 1988 c 167 § 19; 1984 c 7 § 156; 1971 ex.s. c 291 § 2; 1967 ex.s. c 83 § 23.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.185 Qualifications for administering and supervising projects--Rules.

Applicable Cases

The transportation improvement board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of projects financed in part from funds administered by the board. The rules establishing qualification shall take into account the resources and population of the city or county, its permanent engineering staff, its design and construction supervision experience, and other factors the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising a project shall contract with a qualified city or county or the department for the administration and supervision of the design and construction of any approved project as a condition for receiving funds for the project.

[1994 c 179 § 17; 1988 c 167 § 21; 1984 c 7 § 157; 1975 1st ex.s. c 253 § 4.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.190 Geographical diversity--Rules.

Applicable Cases

The board shall adopt rules that provide geographical diversity in selecting improvement

projects to be funded from the urban arterial trust account and *small city account funds.

[1994 c 179 § 18; 1988 c 167 § 22; 1987 c 360 § 1; 1981 c 315 § 4; 1979 c 151 § 162; 1977 ex.s. c 317 § 14; 1973 1st ex.s. c 126 § 2; 1971 ex.s. c 291 § 3; 1969 ex.s. c 171 § 4; 1967 ex.s. c 83 § 25.]

Notes:

***Reviser's note:** The "small city account" was renamed the "small city program" pursuant to 1999 c 94 § 18.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Effective date--1981 c 315: See note following RCW 47.26.080.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

Population determinations, office of financial management: Chapter 43.62 RCW.

RCW 47.26.200 Counties--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.

Applicable Cases

See RCW 36.81.121.

RCW 47.26.210 Cities--Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way.

Applicable Cases

See RCW 35.77.010.

RCW 47.26.260 Payment of funds--Rules--Limitations.

Applicable Cases

The transportation improvement board shall adopt rules providing for the approval of payments of funds in the accounts to a county, city, town, or transportation benefit district for costs of predesign, design, engineering, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the account share of the costs incurred to the date of the voucher covering such payment.

[1994 c 179 § 19; 1988 c 167 § 26; 1973 1st ex.s. c 126 § 1; 1967 ex.s. c 83 § 32.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.270 Matching funds requirements.

Applicable Cases

Counties, cities, towns, and transportation benefit districts receiving funds from the board shall provide such matching funds as established by rules adopted by the transportation improvement board. When determining matching requirements, the board shall consider (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally

expended for arterial construction to other street or road purposes or to nonhighway purposes.

[1994 c 179 § 20; 1988 c 167 § 27; 1983 1st ex.s. c 49 § 22; 1977 ex.s. c 317 § 16; 1967 ex.s. c 83 § 33.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.300 Bicycle routes--Legislative declaration.

Applicable Cases

The state of Washington is confronted with emergency shortages of energy sources utilized for the transportation of its citizens and must seek alternative methods of providing public mobility.

Bicycles are suitable for many transportation purposes, and are pollution-free in addition to using a minimal amount of resources and energy. However, the increased use of bicycles for both transportation and recreation has led to an increase in both fatal and nonfatal injuries to bicyclists.

The legislature therefore finds that the establishment, improvement, and upgrading of bicycle routes is necessary to promote public mobility, conserve energy, and provide for the safety of the bicycling and motoring public.

[1974 ex.s. c 141 § 1.]

RCW 47.26.305 Bicycle routes--Use of board funds.

Applicable Cases

Bicycle routes shall, when established in accordance with RCW 47.06.100 be eligible for establishment, improvement, and upgrading with board funds. The board shall adopt rules and procedures that will encourage the development of a system of bicycle routes within counties, cities, and towns.

[1994 c 179 § 21; 1988 c 167 § 28; 1974 ex.s. c 141 § 2.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

BOND ISSUE--STATE HIGHWAYS IN URBAN AREAS

RCW 47.26.400 Issuance and sale of general obligation bonds--Authorized--Amount--Declaration of purpose.

Applicable Cases

In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the commission. The amount of the bonds issued

and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways in urban areas. The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee which, upon request being made by the commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the commission.

[1984 c 7 § 161; 1973 1st ex.s. c 169 § 1; 1967 ex.s. c 83 § 36.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.401 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1973 1st ex.s. c 169 § 2; 1967 ex.s. c 83 § 37.]

RCW 47.26.402 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1967 ex.s. c 83 § 38.]

RCW 47.26.403 Bonds--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways within the urban areas of the state, and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds.

[1967 ex.s. c 83 § 39.]

RCW 47.26.404 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.26.400 through 47.26.407 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and *chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.400 through 47.26.407, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.400 through 47.26.407.

[1973 1st ex.s. c 169 § 3; 1967 ex.s. c 83 § 40.]

Notes:

***Reviser's note:** Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33; for later enactment see chapter 82.38 RCW.

RCW 47.26.405 Bonds--Designation of funds to repay bonds and interest.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state under the provisions of RCW 46.68.090(1)(c) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1999 c 269 § 5; 1977 ex.s. c 317 § 17; 1967 ex.s. c 83 § 41.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.406 Bonds--Repayment procedure--Bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.405, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1967 ex.s. c 83 § 42.]

RCW 47.26.407 Bonds--Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1967 ex.s. c 83 § 43.]

**BOND ISSUE--COUNTY AND CITY ARTERIALS
IN URBAN AREAS**

**RCW 47.26.420 Issuance and sale of general obligation
bonds--Authorized--Amount--Declaration of purpose.**

Applicable Cases

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred million dollars, and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars, and the third authorization of which, to be known as series III bonds, shall be in the sum of one hundred million dollars which shall be issued and sold

in such amounts and at such times as determined to be necessary by the state transportation commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state transportation commission, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state transportation commission.

[1981 c 315 § 5; 1979 c 5 § 3. Prior: 1977 ex.s. c 317 § 18; 1973 1st ex.s. c 169 § 4; 1967 ex.s. c 83 § 45.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Appropriation--Expenditure limited to bond sale proceeds--1981 c 315: "There is appropriated from the urban arterial trust account in the motor vehicle fund to the urban arterial board for the biennium ending June 30, 1983, the sum of thirty-five million dollars, or so much thereof as may be necessary, to carry out section 5 of this act: PROVIDED, That the money available for expenditure under this appropriation may not exceed the amount of money derived from the sale of bonds authorized by section 5 of this act and deposited to the credit of the urban arterial trust account in the motor vehicle fund." [1981 c 315 § 13.] Section 5 of this act is RCW 47.26.420.

Construction--1979 c 5: "Nothing in this 1979 act shall be construed to impair the obligations of any first authorization bonds issued or to be issued under RCW 47.26.420 through 47.26.427, or to enlarge the original authorization thereof over two hundred million dollars, and the retirement of and issuance of the remainder of the authorized amount of such bonds shall proceed in accordance with law under the supervision of the state finance committee." [1979 c 5 § 12.] For codification of 1979 c 5, see Codification Tables, Volume 0.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.421 Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments.

Applicable Cases

Each of such first authorization bonds, series II bonds, and series III bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, either or both of which signatures may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1986 c 290 § 3; 1981 c 315 § 6; 1979 c 5 § 4; 1973 1st ex.s. c 169 § 5; 1967 ex.s. c 83 § 46.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.422 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

Applicable Cases

The first authorization bonds, series II bonds, and series III bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 and 47.26.425 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1986 c 290 § 4; 1981 c 315 § 7; 1979 c 5 § 5; 1967 ex.s. c 83 § 47.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.423 Bonds--Bond proceeds--Deposit and use.

Applicable Cases

The money arising from the sale of the first authorization bonds, series II bonds, and series III bonds shall be deposited in the state treasury to the credit of the urban arterial trust account in the motor vehicle fund, and such money shall be available only for the construction and improvement of county and city urban arterials, and for payment of the expense incurred in the printing, issuance, and sale of any such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1986 c 290 § 5; 1981 c 315 § 8; 1979 c 5 § 6; 1967 ex.s. c 83 § 48.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.424 Bonds--Statement describing nature of obligation--Pledge of excise taxes.

Applicable Cases

The first authorization bonds, series II bonds, and series III bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427, 47.26.425, and 47.26.4254 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any such bonds and the interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all such bonds.

[1995 c 274 § 11; 1981 c 315 § 9; 1979 c 5 § 7; 1977 ex.s. c 317 § 19; 1973 1st ex.s. c 169 § 6; 1967 ex.s. c 83 § 49.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.425 Bonds--Designation of funds to repay bonds and interest.

Applicable Cases

Any funds required to repay the first authorization of two hundred million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1999 1st sp.s. c 1 § 609. Prior: 1999 c 269 § 6; 1999 c 94 § 21; 1994 c 179 § 22; 1977 ex.s. c 317 § 20; 1967 ex.s. c 83 § 50.]

Notes:

Severability--Effective date--1999 1st sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Effective dates--Severability--1977 ex.s. c 317: See notes following RCW 82.36.010.

RCW 47.26.4252 Bonds--Series II bonds, 1979 reenactment--Designation of funds to repay

bonds and interest.

Applicable Cases

Any funds required to repay the authorization of series II bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, or the interest thereon when due, shall first be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979. If the moneys distributed to the urban arterial trust account shall ever be insufficient to repay the first authorization bonds together with interest thereon, and the series II bonds or the interest thereon when due, the amount required to make such payments on such bonds or interest thereon shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues which are distributable to the state, counties, cities, and towns, shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds or series II and series III bonds or interest on those bond issues.

[1999 1st sp.s. c 1 § 610. Prior: 1999 c 269 § 7; 1999 c 94 § 22; 1995 c 274 § 12; 1994 c 179 § 23; 1983 1st ex.s. c 49 § 23; 1979 c 5 § 8.]

Notes:

Severability--Effective date--1999 1st sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.4254 Bonds--Series III bonds--Designation of funds to repay bonds and interest.

Applicable Cases

(1) Any funds required to repay series III bonds authorized by RCW 47.26.420, or the interest thereon, when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and that is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090(1)(g), subject, however, to the prior lien of the first authorization of bonds authorized by RCW 47.26.420. If the moneys so distributed to the urban arterial trust account, after first being applied to administrative expenses of the transportation improvement board and to the requirements of bond retirement and payment of interest on first authorization bonds and series II bonds as provided in RCW 47.26.425 and 47.26.4252, are insufficient to meet the requirements for bond retirement or interest on any series III bonds, the amount required to make such payments on series III bonds or interest thereon shall

next be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090, subject, however, to subsection (2) of this section.

(2) To the extent that moneys so distributed to the urban arterial trust account are insufficient to meet the requirements for bond retirement or interest on any series III bonds, sixty percent of the amount required to make such payments when due shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the state. The remaining forty percent shall first be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the cities and towns pursuant to RCW 46.68.090(1)(i) and to the counties pursuant to RCW 46.68.090(1)(j). Of the counties', cities', and towns' share of any additional amounts required in each fiscal year, the percentage thereof to be taken from the counties' distributive share and from the cities' and towns' distributive share shall correspond to the percentage of funds authorized for specific county projects and for specific city and town projects, respectively, from the proceeds of series III bonds, for the period through the first eleven months of the prior fiscal year as determined by the chairman of the transportation improvement board and reported to the state finance committee and the state treasurer not later than the first working day of June.

(3) Any payments on such bonds or interest thereon taken from motor vehicle or special fuel tax revenues that are distributable to the state, counties, cities, and towns shall be repaid from the first moneys distributed to the urban arterial trust account not required for redemption of the first authorization bonds, series II bonds, or series III bonds or interest on these bonds.

[1999 1st sp.s. c 1 § 611. Prior: 1999 c 269 § 8; 1999 c 94 § 23; 1995 c 274 § 13; 1994 c 179 § 24; 1988 c 167 § 30; 1983 1st ex.s. c 49 § 24; 1981 c 315 § 10.]

Notes:

Severability--Effective date--1999 1st sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--Effective date--1983 1st ex.s. c 49: See RCW 36.79.900 and 36.79.901.

Effective date--1981 c 315: See note following RCW 47.26.080.

RCW 47.26.4255 Bonds--Series II bonds, 1979 reenactment--Charge against fuel tax revenues.

Applicable Cases

Except as otherwise provided by statute, the series II bonds issued under authority of RCW 47.26.420, as reenacted by section 3, chapter 5, Laws of 1979, the bonds authorized by RCW 47.60.560 through 47.60.640, and any general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1979 c 5 § 9.]

Notes:

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.426 Bonds--Repayment procedure--Bond retirement account.

Applicable Cases

At least one year prior to the date any interest is due and payable on such first authorization bonds, series II bonds, and series III bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425, 47.26.4252, and 47.26.4254 the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer, subject to RCW 47.26.425, 47.26.4252, and 47.26.4254, shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the transportation improvement board bond retirement account, maintained in the office of the state treasurer, which fund shall be available for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1999 c 268 § 1; 1981 c 315 § 11; 1979 c 5 § 10; 1967 ex.s. c 83 § 51.]

Notes:

Effective date--1981 c 315: See note following RCW 47.26.080.

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.427 Bonds--Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the transportation improvement board bond retirement account, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund [account] to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1999 c 268 § 2; 1979 c 5 § 11; 1967 ex.s. c 83 § 52.]

Notes:

Construction--1979 c 5: See note following RCW 47.26.420.

RCW 47.26.440 Budget for expenditures from funds administered by board--Estimate of revenues.

Applicable Cases

Not later than November 1st of each even-numbered year the transportation improvement board shall prepare and present to the commission for comment and recommendation an adopted budget for expenditures from funds administered by the board during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the several accounts and the amount, if any, of bond proceeds which the board determines should be made available through the sale of bonds in the ensuing biennium.

[1994 c 179 § 25; 1988 c 167 § 32; 1984 c 7 § 163; 1967 ex.s. c 83 § 54.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.26.450 Allocation of funds--Value engineering studies--Rules.

Applicable Cases

The board shall adopt rules and procedures to govern the allocation of funds subject to the appropriations actually approved by the legislature.

The board shall develop rules and procedures to require value engineering studies performed by an interagency team for certain board funded projects. When determining the process, the board shall consider the project cost, length, and complexity.

[1994 c 179 § 26; 1988 c 167 § 33; 1987 c 360 § 2; 1973 1st ex.s. c 126 § 3; 1969 ex.s. c 171 § 6.]

Notes:

Savings--Severability--1988 c 167: See notes following RCW 47.26.121.

RCW 47.26.460 Increase in funds allocated to a project--Rules--Factors.

Applicable Cases

The board shall adopt reasonable rules pursuant to which funds allocated to a project may be increased upon a subsequent application of the county, city, town, or transportation benefit district constructing the project. The rules adopted by the board shall consider the following factors: (1) The financial effect of increasing the original allocation for the project upon other urban arterial projects either approved or requested; (2) whether the project for which an additional authorization is requested can be reduced in scope while retaining a usable segment; (3) whether the cost of the project shown in the original application was based upon reasonable engineering estimates; and (4) whether the requested additional authorization is to pay for an expansion in the scope of work originally approved.

[1994 c 179 § 27; 1969 ex.s. c 171 § 7.]

BOND ISSUE--TRANSPORTATION PROJECTS IN URBAN AREAS

RCW 47.26.500 Issuance authorized.

Applicable Cases

In order to provide funds necessary to meet the urgent construction needs on state, county, and city transportation projects, there are hereby authorized for issuance general obligation bonds of the state of Washington in the sum of fifty million dollars, which shall be issued and sold in such amounts and at such times as determined to be necessary by the state transportation improvement board. The amount of such bonds issued and sold under the provisions of RCW 47.26.500 through 47.26.507 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of state, county, and city transportation projects. The issuance, sale, and retirement of the bonds shall be under the supervision and control of the state finance committee which, upon request being made by the board, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the board. The board shall report all bond sale requests to the commission.

[1994 c 179 § 28; 1993 c 440 § 1.]

RCW 47.26.501 Term--Signatures--Registration--Negotiable instruments.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, either or both of which signatures may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in Seattle or New York City, as to principal alone, or as to both principal and interest under such rules as the state treasurer may adopt. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1993 c 440 § 2.]

RCW 47.26.502 Denominations--Manner and terms of sale--State investment.

Applicable Cases

The bonds issued under RCW 47.26.500 through 47.26.507 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued pursuant to this section

shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued. Bonds issued under the provisions of RCW 47.26.500 through 47.26.507 shall be legal investment for any of the funds of the state, except the permanent school fund.

[1993 c 440 § 3.]

RCW 47.26.503 Use of proceeds.

Applicable Cases

The money arising from the sale of the bonds shall be deposited in the state treasury to the credit of the transportation improvement account in the motor vehicle fund, and such money shall be available only for the construction and improvement of state, county, and city transportation projects, and for payment of the expense incurred in the printing, issuance, and sale of any such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1993 c 440 § 4.]

RCW 47.26.504 Statement of obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the provisions of RCW 47.26.500 through 47.26.507 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.500 through 47.26.507 from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any such bonds and the interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all such bonds.

[1995 c 274 § 14; 1993 c 440 § 5.]

RCW 47.26.505 Funds for repayment.

Applicable Cases

Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the transportation improvement

account in the motor vehicle fund under RCW 46.68.090(1)(h), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the transportation improvement account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1999 1st sp.s. c 1 § 612. Prior: 1999 c 269 § 9; 1999 c 94 § 24; 1994 c 179 § 29; 1993 c 440 § 6.]

Notes:

Severability--Effective date--1999 1st sp.s. c 1: See notes following RCW 43.19.1906.

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

RCW 47.26.506 Repayment procedure--Bond retirement account.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.505 the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments under RCW 47.26.500 through 47.26.507 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer, subject to RCW 47.26.505, shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund to the transportation improvement board bond retirement account, maintained in the office of the state treasurer, which account shall be available for payment of principal and interest on bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1997 c 456 § 24; 1993 c 440 § 7.]

Notes:

Severability--1997 c 456: See RCW 43.99L.900.

Effective date--1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 47.26.507 Sums in excess of retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the transportation improvement board bond retirement account, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund [account] to

reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1999 c 268 § 3; 1993 c 440 § 8.]

RCW 47.26.900 Severability--1967 ex.s. c 83.

Applicable Cases

If any provision of this 1967 amendatory act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provisions or application and to this end the provisions of this 1967 amendatory act are declared to be severable.

[1967 ex.s. c 83 § 55.]

RCW 47.26.910 Effective dates--1967 ex.s. c 83.

Applicable Cases

This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and sections 1 through 55 and section 56, renumbered "Sec. 62", shall take effect on the first day of the month following the approval of this act by the governor; sections 56 through 61 shall take effect on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this act.

[1967 ex.s. c 83 § 62.]

Notes:

Reviser's note: (1) Sections 1 through 55, chapter 83, Laws of 1967 ex. sess. are codified as chapter 47.26 RCW, RCW 35.77.010, 36.81.121, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020, and 82.40.290.

(2) Sections 56 through 61, chapter 83, Laws of 1967 ex. sess. consist of RCW 46.16.070, 46.16.111, 46.16.121, 46.16.040, 46.16.125 and the repeal of RCW 46.16.072, 46.16.075, 46.16.110, and 46.16.120.

RCW 47.26.930 Construction--1969 ex.s. c 171.

Applicable Cases

The rule of strict construction shall have no application to this 1969 act or to the provisions of chapter 47.26 RCW, and they shall be liberally construed in order to carry out an effective, efficient and equitable program of financial assistance to urban area cities and counties for arterial roads and streets.

[1969 ex.s. c 171 § 8.]

Chapter 47.28 RCW

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

RCW

47.28.010	Latitude in selecting route.
47.28.020	Width of right of way.
47.28.025	Description and plan of new or limited access highway--Recording.
47.28.026	Description and plan of new or limited access highway--Buildings and improvements prohibited, when.
47.28.030	Contracts--State forces--Monetary limits--Small businesses, minority, and women contractors--Rules.
47.28.035	Cost of project, defined.
47.28.040	Precontract preparation of maps, plans, and specifications--Filing.
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47.28.060	Copy of map, plans, etc.--Charge.
47.28.070	Form of bid--Data required--Requirements--Refusal to furnish form--Appeal.
47.28.075	Financial information not open to public inspection.
47.28.080	Withdrawal of bids--New bids--Time fixed in call controls.
47.28.090	Opening of bids and award of contract--Deposit.
47.28.100	Failure or rejection of bidder.
47.28.110	Sureties--Qualifications--Additional sureties.
47.28.120	Actions for labor and materials--Limitation of action.
47.28.140	Highway, public transportation improvements, flood damage prevention--Cooperative agreements.
47.28.150	Underpasses, overpasses constructed with federal funds--Maintenance cost apportionment.
47.28.170	Emergency protection and restoration of highways.
47.28.220	Compost products.

Notes:

Contractor's bond to pay labor, etc.: Chapter 39.08 RCW.

County road improvement districts: Chapter 36.88 RCW.

Design standards committee for city streets: Chapter 35.78 RCW.

Liens for labor, materials on public works: Chapter 60.28 RCW.

Size, weight, load of vehicles: Chapter 46.44 RCW.

Viaducts, bridges, elevated roadways, etc., authority of cities to construct: Chapter 35.85 RCW.

RCW 47.28.010 Latitude in selecting route.

Applicable Cases

Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the transportation commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road, or secondary road or now or hereafter classified as a county road. The commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way

of a certain point, this shall not require the commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The department of transportation is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

[1977 ex.s. c 151 § 59; 1961 c 13 § 47.28.010. Prior: 1937 c 53 § 31; RRS § 6400-31.]

RCW 47.28.020 Width of right of way.

Applicable Cases

From and after April 1, 1937, the width of one hundred feet is the necessary and proper right of way width for state highways unless the department, for good cause, adopts and designates a different width. This section shall not be construed to require the department to acquire increased right of way for any state highway in existence on such date.

[1984 c 7 § 164; 1961 c 13 § 47.28.020. Prior: 1937 c 53 § 30; RRS § 6400-30; 1913 c 65 § 8; RRS § 6831.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.025 Description and plan of new or limited access highway--Recording.

Applicable Cases

Whenever the department establishes the location, width, and lines of any new highway, or declares any such new highway as a limited access facility and schedules the acquisition of the right of way for the highway or facility within the ensuing two years, it may cause the description and plan of any such highway to be made, showing the center line of the highway and the established width thereof, and attach thereto a certified copy of the resolution. Such description, plan, and resolution shall then be recorded in the office of the county auditor of the proper county.

[1999 c 233 § 5; 1984 c 7 § 165; 1977 ex.s. c 225 § 1; 1961 c 13 § 47.28.025. Prior: 1955 c 161 § 1.]

Notes:

Effective date--1999 c 233: See note following RCW 4.28.320.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.026 Description and plan of new or limited access highway--Buildings and improvements prohibited, when.

Applicable Cases

(1) No owner or occupier of lands, buildings, or improvements may erect any buildings or make any improvements within the limits of any such highway, the location, width, and lines of which have been established and recorded as provided in RCW 47.28.025. If any such erection and improvements are made, no allowances may be had therefor by the assessment of damages. No permits for improvements within the limits may be issued by any authority. The

establishment of any highway location as set forth in RCW 47.28.025 is ineffective after one year from the filing thereof if no action to condemn or acquire the property within the limits has been commenced within that time.

(2) Unless and until the department causes a plan of a proposed new highway or limited access facility to be recorded in the office of the county auditor as authorized in RCW 47.28.025, nothing contained in RCW 47.28.025 or 47.28.026 may be deemed to restrict or restrain in any manner the improvement, development, or other use by owners or occupiers of lands, buildings, or improvements within the limits of any proposed new or limited access highway or any proposed relocated or widened highway. Because of the uncertainties of federal aid and the state level of funding of proposed construction or improvement of state highways, plans for such improvements approved by the department shall be deemed tentative until filed with the county auditor as authorized in RCW 47.28.025 or until the department commences action to condemn or otherwise acquire the right of way for the highway improvements.

[1984 c 7 § 166; 1977 ex.s. c 225 § 2; 1961 c 13 § 47.28.026. Prior: 1955 c 161 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.030 Contracts--State forces--Monetary limits--Small businesses, minority, and women contractors--Rules.

Applicable Cases

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right of way purposes may be repaired or renovated pending the use of such right of way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof is [are] less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars: PROVIDED, That when delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses, and minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. The rules adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be

made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics, and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

[1999 c 15 § 1; 1984 c 194 § 1; 1983 c 120 § 15; 1977 ex.s. c 225 § 3; 1973 c 116 § 1; 1971 ex.s. c 78 § 1; 1969 ex.s. c 180 § 2; 1967 ex.s. c 145 § 40; 1961 c 233 § 1; 1961 c 13 § 47.28.030. Prior: 1953 c 29 § 1; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1949 § 6400-41, part.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

RCW 47.28.035 Cost of project, defined.

Applicable Cases

The cost of any project for the purposes of RCW 47.28.030 shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously. The department shall not permit the construction of any project by state forces by dividing a project into units of work or classes of work to give the appearance of compliance with RCW 47.28.030.

[1984 c 194 § 2.]

RCW 47.28.040 Precontract preparation of maps, plans, and specifications--Filing.

Applicable Cases

Before entering into any contract for the construction, alteration, repair, or improvement of any state highway the department shall cause the highway to be surveyed throughout the entire length of the proposed construction, alteration, repair, or improvement and cause to be prepared maps, plans, and specifications, together with an estimate of the cost of the proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications, and directions shall be approved by the department and a copy thereof filed permanently in the department's office.

[1984 c 7 § 167; 1961 c 13 § 47.28.040. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.050 Call for bids.

Applicable Cases

Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the department of transportation shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the department deems necessary. When necessary to implement chapter 39.19 RCW and the rules adopted to implement that chapter, the department shall include in its call for bids provisions or specifications requiring bidders to comply with chapter 39.19 RCW and the rules adopted to implement it: PROVIDED, That when the estimated cost of any contract to be awarded is less than fifty thousand dollars, the call for bids need only be published in at least one paper of general circulation in the county where the major part of the work is to be performed: PROVIDED FURTHER, That when the estimated cost of a contract to be awarded is seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the department of transportation need not publish a call for bids: PROVIDED FURTHER, That after a bid call has been advertised for two consecutive weeks it may be postponed and the bids opened one week later.

[1983 c 120 § 16; 1979 ex.s. c 69 § 1; 1977 c 65 § 1; 1973 c 116 § 2; 1969 ex.s. c 180 § 1; 1961 c 13 § 47.28.050. Prior: 1959 c 319 § 33; 1955 c 147 § 1; 1937 c 53 § 33; RRS § 6400-33.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

RCW 47.28.060 Copy of map, plans, etc.--Charge.

Applicable Cases

Any person, firm, or corporation is entitled to receive copies of the maps, plans, specifications, and directions for any work upon which call for bids has been published, upon request therefor and subsequent payment to the department of a reasonable sum as required by the department in the call for bids for each copy of such maps, plans, and specifications. Any money so received shall be certified by the department to the state treasurer and deposited to the credit of the motor vehicle fund. The department may deliver with or without charge informational copies of maps, plans, specifications, and directions at such places as it may designate.

[1985 c 242 § 1; 1984 c 7 § 168; 1971 c 36 § 1; 1965 ex.s. c 64 § 1; 1961 c 13 § 47.28.060. Prior: 1937 c 53 § 34; RRS § 6400-34.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.070 Form of bid--Data required--Requirements--Refusal to furnish form--Appeal.

Applicable Cases

Bid proposals upon any construction or improvement of any state highway shall be made upon contract proposal form supplied by the department and in no other manner. The department shall, before furnishing any person, firm, or corporation desiring to bid upon any work for which a call for bid proposals has been published with a contract proposal form, require from the person, firm, or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of the person, firm, or corporation in performing state highway, road, or other public work. The questionnaire and financial statement shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted once a year and at such other times as the department may require. Whenever the department is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement or whenever the department determines that the person, firm, or corporation does not meet all of the requirements set forth in this section it may refuse to furnish the person, firm, or corporation with a contract proposal form, and any bid proposal of the person, firm, or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm, or corporation shall have all of the following requirements:

- (1) Adequate financial resources or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

The refusal is conclusive unless appeal therefrom to the superior court of Thurston county is taken within five days, which appeal shall be heard summarily within ten days after it is taken and on five days' notice thereof to the department.

[1984 c 7 § 169; 1967 ex.s. c 145 § 39; 1961 c 13 § 47.28.070. Prior: 1937 c 53 § 35; RRS § 6400-35.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.075 Financial information not open to public inspection.

Applicable Cases

The department of transportation shall not be required to make available for public inspection and copying financial information supplied by any person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for highway construction or improvement as

required by RCW 47.28.070.

[1981 c 215 § 1.]

RCW 47.28.080 Withdrawal of bids--New bids--Time fixed in call controls.

Applicable Cases

Any person, firm, or corporation proposing a bid for the construction or improvement of any state highway in response to a call for bids published therefor may withdraw the bid proposal without forfeiture and without prejudice to the right of the bidder to file a new bid proposal before the time fixed for the opening of the bid proposals. The request for the withdrawal shall be made in writing, signed by the person proposing the bid or his duly authorized agent, and filed at the place and before the time fixed in the call for bids for receipt of the bid proposals. No bid proposal may be considered that has not been filed with the department before the time fixed for the receipt of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the receipt of bid proposals in the call for bid proposals as published shall control without regard for the time when the bid proposals are actually opened.

[1985 c 242 § 2; 1984 c 7 § 170; 1961 c 13 § 47.28.080. Prior: 1937 c 53 § 36; RRS § 6400-36.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.090 Opening of bids and award of contract--Deposit.

Applicable Cases

At the time and place named in the call for bids the department of transportation shall publicly open and read the final figure in each of the bid proposals that have been properly filed and read only the unit prices of the three lowest bids, and shall award the contract to the lowest responsible bidder unless the department has, for good cause, continued the date of opening bids to a day certain, or rejected that bid. Any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract. If the lowest responsible bidder fails to meet the provisions or specifications requiring compliance with chapter 39.19 RCW and the rules adopted to implement that chapter, the department may award the contract to the next lowest responsible bidder which does meet the provisions or specifications or may reject all bids and readvertise. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid, and a bid shall not be considered unless the deposit is enclosed with it.

[1985 c 242 § 3; 1983 c 120 § 17; 1971 ex.s. c 21 § 2; 1961 c 13 § 47.28.090. Prior: 1955 c 83 § 1; 1949 c 64 § 1; 1937 c 53 § 37; Rem. Supp. 1949 § 6400-37.]

Notes:

Effective date--Applicability--Severability--Conflict with federal requirements--1983 c 120: See RCW 39.19.910, 39.19.920.

Office of minority and women's business enterprises: Chapter 39.19 RCW.

RCW 47.28.100 Failure or rejection of bidder.

Applicable Cases

If the successful bidder fails to enter into the contract and furnish satisfactory bond as provided by law within twenty days from the award, exclusive of the day of the award, his or her deposit shall be forfeited to the state and deposited by the state treasurer to the credit of the motor vehicle fund, and the department may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him or her, forfeiture of his or her deposit shall also be made, and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals are exhausted. If the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances that are deemed to warrant an extension of time, the department may extend the time for execution of the contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned, but the department may retain the deposit of the next lowest responsible bidder or bidders as it desires until such time as the contract is entered into and satisfactory bond is provided by the bidder to whom the award is ultimately made. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

If in the opinion of the department the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders the acceptance of the bid of the remaining lowest responsible bidder or bidders, will not be for the best interest of the state, it may reject all bids or all remaining bids and republish a call for bids in the same manner as for an original publication thereof.

[1996 c 18 § 8; 1984 c 7 § 171; 1961 c 13 § 47.28.100. Prior: 1953 c 53 § 1; 1937 c 53 § 38; RRS § 6400-38.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.110 Sureties--Qualifications--Additional sureties.

Applicable Cases

At any time and as often as it may be deemed necessary, the department may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever the surety or sureties upon any contractor's bond become insufficient or are deemed by the department to have become insufficient, the department may demand in writing that the contracting person, firm, or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon the contract. No further payments may be made on the contract until such additional surety as is required is furnished.

[1984 c 7 § 172; 1961 c 13 § 47.28.110. Prior: 1937 c 53 § 39; RRS § 6400-39.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.120 Actions for labor and materials--Limitation of action.

Applicable Cases

Any contracting person, firm, or corporation performing any labor or furnishing any materials upon their contract or otherwise for public work or improvement under the direction of the department or any person claiming any right of action upon any such contract with the state of Washington or who claims a cause of action against the state of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the department; otherwise the action is forever barred.

[1984 c 7 § 173; 1961 c 13 § 47.28.120. Prior: 1937 c 53 § 40; RRS § 6400-40.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.140 Highway, public transportation improvements, flood damage prevention--Cooperative agreements.

Applicable Cases

When in the opinion of the governing authorities representing the department and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the department or any agency, instrumentality, municipal corporation, or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform the work or improvement in the first instance. The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from any project that assists in preventing or minimizing flood damages as defined in RCW 86.16.120 or from the construction of any public works project, including any urban public transportation system, the department may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of the particular public works project.

[1991 c 322 § 29; 1984 c 7 § 174; 1967 c 108 § 6; 1961 c 13 § 47.28.140. Prior: 1955 c 384 § 8.]

Notes:

Findings--Intent--1991 c 322: See note following RCW 86.12.200.

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.28.150 Underpasses, overpasses constructed with federal funds--Maintenance cost apportionment.

Applicable Cases

Notwithstanding any of the provisions of RCW 81.53.090, where the cost of constructing an overpass or underpass which is part of the state highway system has been paid for in whole or in part by the use of federal funds, the state shall at its expense maintain the entire overpass structure and the approaches thereto, and the railroad company shall at its expense maintain the entire underpass structure, including the approaches thereto. The state shall at its expense maintain the roadway, and the railroad company shall at its expense maintain its roadbed and tracks on or under all such structures.

[1961 c 13 § 47.28.150. Prior: 1959 c 319 § 34.]

RCW 47.28.170 Emergency protection and restoration of highways.

Applicable Cases

(1) Whenever the department finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the department further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the department may obtain at least three written bids for the work without publishing a call for bids, and the secretary of transportation may award a contract forthwith to the lowest responsible bidder.

The department shall notify any association or organization of contractors filing a request to regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the department finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the department may contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) The secretary shall review any contract exceeding two hundred thousand dollars awarded under subsection (1) or (2) of this section with the transportation commission at its next regularly scheduled meeting.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond.

[1990 c 265 § 1; 1984 c 7 § 175; 1971 ex.s. c 89 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.28.220 Compost products.

Applicable Cases

(1) A contract awarded in whole or in part for the purchase of compost products as a soil cover or soil amendment to state highway rights of way shall specify that compost products be purchased in accordance with the following schedule:

(a) For the period July 1, 1996, through June 30, 1997, twenty-five percent of the total dollar amount purchased;

(b) For the period July 1, 1998, through June 30, 1999, fifty percent of the total dollar amount purchased. The percentages in this subsection apply to the materials' value and include services or other materials.

(2) In order to carry out the provisions of this section, the department of transportation shall develop and adopt bid specifications for compost products used in state highway construction projects.

(3)(a) For purposes of this section, "compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials.

(b) For purposes of this section, "biosolids" means municipal sewage sludge or septic tank septage sludge that meets the requirements of chapter 70.95J RCW.

[1996 c 198 § 4; 1992 c 174 § 14; 1991 c 297 § 14.]

Notes:

Captions not law--1991 c 297: See RCW 43.19A.900.

**Chapter 47.30 RCW
TRAILS AND PATHS**

RCW

47.30.005	Definitions.
47.30.010	Recreational trail interference.
47.30.020	Facilities for nonmotorized traffic--Joint usage of rights of way.
47.30.030	Facilities for nonmotorized traffic--Expenditure of available funds.
47.30.040	Establishing paths and trails--Factors to be considered.
47.30.050	Expenditures for paths and trails--Minimum amount.
47.30.060	Expenditures deemed to be for highway purposes--Powers and duties of department--Restrictions on use of paths and trails.
47.30.070	Bicycle, equestrian, pedestrian paths as public highways.

Notes:

Recreation trails system: Chapter 79A.35 RCW.

RCW 47.30.005 Definitions.

Applicable Cases

For the purposes of this chapter, "trail" or "path" means a public way constructed primarily for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for the exclusive use of pedestrians. The term "trail" or "path" also includes a widened shoulder of a highway, street, or road when the extra shoulder width is constructed to accommodate bicyclists consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

[1979 ex.s. c 121 § 4.]

RCW 47.30.010 Recreational trail interference.

Applicable Cases

(1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

(2) Where a highway other than a limited access highway crosses a recreational trail of substantial usage for pedestrians, equestrians, or bicyclists, signing sufficient to insure safety shall be provided.

(3) Where the construction or reconstruction of a highway other than a limited access highway would destroy the usefulness of an existing recreational trail of substantial usage for pedestrians, equestrians, or bicyclists or of a planned recreational trail for pedestrians, equestrians, or bicyclists incorporated into the comprehensive plans for trails of the state or any of its political subdivisions, replacement land, space, or facilities shall be provided and where such recreational trails exist at the time of taking, reconstruction of said recreational trails shall be undertaken.

[1971 ex.s. c 130 § 1.]

RCW 47.30.020 Facilities for nonmotorized traffic--Joint usage of rights of way.

Applicable Cases

Facilities for pedestrians, equestrians, or bicyclists shall be incorporated into the design of highways and freeways along corridors where such facilities do not exist upon a finding that such facilities would be of joint use and conform to the comprehensive plans of public agencies for the development of such facilities, will not duplicate existing or proposed routes, and that safety to both motorists and to pedestrians, equestrians, and bicyclists would be enhanced by the segregation of traffic.

In planning and design of all highways, every effort shall be made consistent with safety to promote joint usage of rights of way for trails and paths in accordance with the comprehensive plans of public agencies.

[1971 ex.s. c 130 § 2.]

RCW 47.30.030 Facilities for nonmotorized traffic--Expenditure of available funds.

Applicable Cases

Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians, or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety, the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The department of transportation, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to expend reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.090, as necessary for the planning, accommodation, establishment, and maintenance of such facilities.

[1999 c 269 § 10; 1979 ex.s. c 121 § 1; 1974 ex.s. c 141 § 12; 1972 ex.s. c 103 § 2.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1972 ex.s. c 103: "If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 103 § 8.]

RCW 47.30.040 Establishing paths and trails--Factors to be considered.

Applicable Cases

Before establishing paths and trails, the following factors shall be considered:

- (1) Public safety;
- (2) The cost of such paths and trails as compared to the need or probable use;
- (3) Inclusion of the trail in a plan for a comprehensive trail system adopted by a city or county in a state or federal trails plan.

[1972 ex.s. c 103 § 3.]

Notes:

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 47.30.050 Expenditures for paths and trails--Minimum amount.

Applicable Cases

(1) The amount expended by a city, town, or county as authorized by RCW 47.30.030 shall never in any one fiscal year be less than 0.42 percent of the total amount of funds received from the motor vehicle fund according to RCW 46.68.090. However, this section does not apply to a city or town in any year in which the 0.42 percent equals five hundred dollars or less, or to a county in any year in which the 0.42 percent equals three thousand dollars or less. Also, a city, town, or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by RCW 47.30.030.

(2) In each fiscal year the department of transportation shall expend, as a minimum, for the purposes mentioned in RCW 47.30.030 a sum equal to three-tenths of one percent of all funds, both state and federal, expended for the construction of state highways in such year, or in order to more efficiently program trail improvements the department may defer any part of such minimum trail or path expenditures for a fiscal year for a period not to exceed four years after the end of such fiscal year. Any fiscal year in which the department expends for trail or path purposes more than the minimum sum required by this subsection, the amount of such excess expenditure shall constitute a credit which may be carried forward and applied to the minimum trail and path expenditure requirements for any of the ensuing four fiscal years.

(3) The department of transportation, a city, or a county in computing the amount expended for trails or paths under their respective jurisdictions may include the cost of improvements consistent with a comprehensive plan or master plan for bicycle trails or paths adopted by a state or local governmental authority either prior to such construction or prior to January 1, 1980.

[1999 c 269 § 11; 1979 ex.s. c 121 § 2; 1972 ex.s. c 103 § 4.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

Perpetual advanced six-year plans for coordinated transportation program, expenditures--Nonmotorized transportation--Railroad right-of-way: RCW 36.81.121.

RCW 47.30.060 Expenditures deemed to be for highway purposes--Powers and duties of department--Restrictions on use of paths and trails.

Applicable Cases

For the purposes of this chapter, the establishment of paths and trails and the expenditure of funds as authorized by RCW 47.30.030, as now or hereafter amended, shall be deemed to be for highway, road, and street purposes. The department of transportation shall, when requested, and subject to reimbursement of costs, provide technical assistance and advice to cities, towns,

and counties in carrying out the purposes of RCW 47.30.030, as now or hereafter amended. The department shall recommend construction standards for paths and trails. The department shall provide a uniform system of signing paths and trails which shall apply to paths and trails under the jurisdiction of the department and of cities, towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles.

[1979 ex.s. c 121 § 3; 1972 ex.s. c 103 § 5.]

Notes:

Severability--1972 ex.s. c 103: See note following RCW 47.30.030.

RCW 47.30.070 Bicycle, equestrian, pedestrian paths as public highways.

Applicable Cases

For purposes of 43 U.S.C. 912 and related provisions of federal law involving federally granted railroad rights of way, a bicycle, equestrian or pedestrian path shall be deemed to be a public highway under the laws of the state of Washington.

[1993 c 224 § 14.]

**Chapter 47.32 RCW
OBSTRUCTIONS ON RIGHT OF WAY**

RCW

47.32.010	Order to remove obstructions--Removal by state.
47.32.020	Notice of order, contents, posting--Return.
47.32.030	Proceedings in rem authorized--Records certified.
47.32.040	Complaint, contents.
47.32.050	Notice, action, service, contents--Proceedings void when.
47.32.060	Hearing--Findings--Order--Appellate review.
47.32.070	Writ, execution of--Return--Disposition of unsold property.
47.32.080	Property reclaimed--Bond.
47.32.090	Sureties on bond--Hearing on claim.
47.32.100	Procedure when claimant wins or loses.
47.32.110	Merchandising structures--Permit--Removal.
47.32.120	Business places along highway.
47.32.130	Dangerous objects and structures as nuisances--Logs--Abatement--Removal.
47.32.140	Railroad crossings, obstructions--Hearing.
47.32.150	Approach roads, other appurtenances--Permit.
47.32.160	Approach roads, other appurtenances--Rules--Construction, maintenance of approach roads.
47.32.170	Approach roads, other appurtenances--Removal of installations from right of way for default.

Notes:

Fences: Chapter 16.60 RCW.

Mobile home movement permits and decals: RCW 46.44.170 through 46.44.175.

Removal of disabled vehicle: RCW 46.55.113.

RCW 47.32.010 Order to remove obstructions--Removal by state.

Applicable Cases

Whenever the department determines and orders that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement, or maintenance of) any state highway to have the full width of right of way of any such state highway or of any portion of the right of way of any such state highway free from any and all obstructions, encroachments, and occupancy, other than pole lines, pipe lines, or other structures maintained thereon for public or quasi-public utilities by virtue of a valid franchise, and causes due notice of the order to be given as provided by law, the obstructions, encroachments, and means of occupancy, and any structure, building, improvement, or other means of occupancy of any of the right of way of the state highway not removed within the time allowed by law shall become an unlawful property and may be confiscated, removed, and sold or destroyed by the state of Washington according to procedure as provided in this chapter, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It is unlawful for any person to keep, maintain, or occupy any such unlawful structure.

[1984 c 7 § 176; 1961 c 13 § 47.32.010. Prior: 1937 c 53 § 68; RRS § 6400-68.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.020 Notice of order, contents, posting--Return.

Applicable Cases

Whenever the department determines that the right of way of any state highway or any portion of the right of way of any state highway shall be made free from any and all obstructions, encroachments, and occupancy it shall forthwith cause to be posted, by a competent person eighteen years of age or over upon any and all structures, buildings, improvements, and other means of occupancy of the state highway or portion thereof, other than property of public or quasi-public utilities, by virtue of a valid franchise, a notice bearing a copy of the order and dated as of the date of posting, to all whom it may concern to vacate the right of way and to remove all property from the right of way within ten days after the posting of the notice, exclusive of the date of posting. The department shall also require the filing of duplicate affidavits in proof of the postings, showing upon what structures, buildings, improvements, or other means of occupancy of the state highway or portions thereof, respectively, copies of the notice were posted and the date of each such posting, sworn to by the person making the posting.

[1984 c 7 § 177; 1971 ex.s. c 292 § 46; 1961 c 13 § 47.32.020. Prior: 1937 c 53 § 69; RRS § 6400-69.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1971 ex.s. c 292: See note following RCW 26.28.010.

RCW 47.32.030 Proceedings in rem authorized--Records certified.

Applicable Cases

In case the property or any portion thereof described in the notice is not removed from the right of way within ten days after the date of the posting, exclusive of the date of posting, all such property upon the right of way of the state highway or portion thereof becomes unlawful, and the department shall commence proceedings in the name of the state of Washington for the removal thereof by court action. The department shall thereupon prepare two original copies of the order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by the department describing with reasonable certainty and with due reference to the center line stationing of the state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment, or other means of occupancy, other than pole lines, pipe lines, or other structures maintained for public and quasi-public utilities, on the state highway or portion thereof specified in the order that remain upon the right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which the state highway or portion thereof containing the structures is situated, entitled and in the name of the state of Washington as plaintiff and describing each unlawful structure, building, improvement, encroachment, or other means of occupancy, which structures, buildings, improvements, encroachments, or other means of occupancy shall be briefly named as defendants.

[1984 c 7 § 178; 1961 c 13 § 47.32.030. Prior: 1937 c 53 § 70; RRS § 6400-70; prior: 1925 ex.s. c 131 § 3; RRS § 6837-3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.040 Complaint, contents.

Applicable Cases

The complaint shall, in such action, describe the property unlawfully remaining upon the right of way of the state highway or portion thereof with reasonable certainty by reference to the certificate of the department, which shall be attached to and filed with the complaint, and pray that an order be entered for the removal from the right of way of the state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof.

[1984 c 7 § 179; 1961 c 13 § 47.32.040. Prior: 1937 c 53 § 71; RRS § 6400-71; prior: 1925 ex.s. c 131 § 4; RRS § 6837-4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.050 Notice, action, service, contents--Proceedings void when.

Applicable Cases

Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is

commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the state highway, describe such state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings.

[1961 c 13 § 47.32.050. Prior: 1937 c 53 § 72; RRS 6400-72; prior: 1925 ex.s. c 131 § 5; RRS § 6837-5.]

RCW 47.32.060 Hearing--Findings--Order--Appellate review.

Applicable Cases

At the time and place appointed for hearing upon the complaint, which hearing shall be by summary proceedings, if the court or judge thereof finds that due notice has been given by posting and publication and that the order of the department was duly made, and is further satisfied and finds that the state highway or portion thereof described is legally a state highway having the width of right of way specified in the order and that the structure, buildings, improvements, or other means of occupancy of the state highway or portion thereof as stated in the certificate of the department do in fact encroach, or that any portion thereof encroach, upon the state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements, and other means of occupancy specified in the order is unlawfully maintained within the right of way and is subject to confiscation and sale and that they be forthwith confiscated, removed from the right of way, and sold, and providing that six days after the entry of the order, a writ shall issue from the court directed to the sheriff of the county, commanding the sheriff to seize and remove from the right of way of the state highway each such structure, building, improvement, or other means of occupancy specified in the order forthwith on receipt of a writ based on the order and to take and hold the property in his custody for a period of ten days, unless redelivered earlier as provided for by law, and if not then so redelivered to sell the property at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of the writ, and further in such action, including costs of posting original notices of the department, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and credited to the motor vehicle fund. The order shall be filed with the clerk of the court and recorded in the minutes of the court, and is final unless appellate review thereof is sought within five days after filing of the order.

[1988 c 202 § 45; 1984 c 7 § 180; 1961 c 13 § 47.32.060. Prior: 1937 c 53 § 73; RRS § 6400-73; prior: 1925 ex.s. c 131 § 7; RRS § 6837-7.]

Notes:

Severability--1988 c 202: See note following RCW 2.24.050.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.070 Writ, execution of--Return--Disposition of unsold property.

Applicable Cases

Six days after filing of the order above provided for, if no review thereof be taken to the supreme court or the court of appeals of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

[1971 c 81 § 115; 1961 c 13 § 47.32.070. Prior: 1937 c 53 § 74; RRS § 6400-74; prior: 1925 ex.s. c 131 § 8; RRS § 6837-8.]

RCW 47.32.080 Property reclaimed--Bond.

Applicable Cases

At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to receive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the state of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the state highway in question.

[1961 c 13 § 47.32.080. Prior: 1937 c 53 § 75; RRS § 6400-75; prior: 1925 ex.s. c 131 § 9; RRS § 6837-9.]

RCW 47.32.090 Sureties on bond--Hearing on claim.

Applicable Cases

The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the state of Washington defendants: PROVIDED, That no costs shall, in such case, be assessed against the sheriff or the state of Washington in the event the plaintiff should prevail.

[1961 c 13 § 47.32.090. Prior: 1937 c 53 § 76; RRS § 6400-76; prior: 1925 ex.s. c 131 § 10; RRS § 6837-10.]

RCW 47.32.100 Procedure when claimant wins or loses.

Applicable Cases

If the claimant makes good the claimant's title to or right to possession of the property, upon payment into the registry of the court of the costs of service or posting of original notice issued by the department with respect to the property, the cost of posting notice of hearing in the court and such proportion of the cost of publication of the notice as the court may fix and direct to be entered and the clerk's fees of filing the affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring the property to the claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the property and making return thereon, and continuing the effect of the bond for a period of six years thereafter for the benefit of such adverse claimants to the property, if any, as may thereafter make claim to the property. If the claimant does not make good such claim of title to or right to possession of the property, judgment shall be rendered against the claimant and the sureties of the claimant for the value of the property as finally shown by the affidavit as above provided for, together with such fees for filing the affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling the property or making return thereon.

[1984 c 7 § 181; 1961 c 13 § 47.32.100. Prior: 1937 c 53 § 77; RRS § 6400-77; prior: 1925 ex.s. c 131 § 11; RRS § 6837-11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.110 Merchandising structures--Permit--Removal.

Applicable Cases

It is unlawful for any person to build, erect, establish, operate, maintain, or conduct along

and upon the right of way of any state highway any platform, box, stand, or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending, or delivering any milk, milk cans, vegetables, fruits, merchandise, produce, or any other thing or commodity of any nature unless a permit therefor has first been obtained from the department. The department shall in each instance determine where any platform, box, stand, or any other temporary or permanent device or structure shall be permitted. Upon the existence of any such device or structure without a permit having been first obtained, it shall be considered an obstruction unlawfully upon the right of way of the state highway, and the department may proceed to effect its removal.

[1984 c 7 § 182; 1961 c 13 § 47.32.110. Prior: 1937 c 53 § 78; RRS § 6400-78; 1927 c 309 § 48; RRS § 6362-48; 1923 c 181 § 10; RRS § 6358-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.120 Business places along highway.

Applicable Cases

It is unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining the structure or establishment unless the structure or establishment is located at a distance from the right of way of any state highway so that none of the right of way thereof is required for the use of the patrons or customers of the establishment. Any such structure erected or business maintained that makes use of or tends to invite patrons to use the right of way or any portion thereof of any state highway by occupying it while a patron is a public nuisance, and the department may fence the right of way of the state highway to prevent such unauthorized use thereof.

[1984 c 7 § 183; 1961 c 13 § 47.32.120. Prior: 1937 c 53 § 79; RRS § 6400-79.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.130 Dangerous objects and structures as nuisances--Logs--Abatement--Removal.

Applicable Cases

(1) Whenever there exists upon the right of way of any state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device, or natural or artificial thing that threatens or endangers the state highway or portion thereof, or that tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, the structure, device, or natural or artificial thing is declared to be a public nuisance, and the department is empowered to take such action as may be necessary to effect its abatement. Any such structure, device, or natural or artificial thing considered by the department to be immediately or eminently dangerous to travel upon a state highway may be forthwith removed, and the removal in no event constitutes a breach of the peace or trespass.

(2) Logs dumped on any state highway roadway or in any state highway drainage ditch

due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the state highway right of way for a period of thirty days shall be confiscated and removed or disposed of as directed by the department.

[1984 c 7 § 184; 1961 c 13 § 47.32.130. Prior: 1947 c 206 § 3; 1937 c 53 § 80; Rem. Supp. 1947 § 6400-80.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Obstructing highway, public nuisance: RCW 9.66.010.

Placing dangerous substances or devices on highway: RCW 9.66.050, 46.61.645, 70.93.060.

RCW 47.32.140 Railroad crossings, obstructions--Hearing.

Applicable Cases

Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The department shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It is unlawful to erect or maintain a sign, signboard, or billboard, except official highway signs and traffic devices and railroad warning or operating signs, outside the corporate limits of any city or town within a distance of one hundred feet from the point of intersection of the highway and railroad grade crossing unless, after thirty days notice to the Washington utilities and transportation commission and the railroad operating the crossing, the department determines that it does not obscure the sight distance of a person operating a vehicle or train approaching the grade crossing.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the department or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing. However, nothing in this section prevents the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the department. The department shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

[1983 c 19 § 2; 1961 c 13 § 47.32.140. Prior: 1955 c 310 § 7; 1937 c 53 § 81; RRS § 6400-81; prior: 1923 c 129

§§ 1-6; RRS §§ 10510-1--10510-6.]

Notes:

Railroad grade crossings, obstructions: RCW 36.86.100.

RCW 47.32.150 Approach roads, other appurtenances--Permit.

Applicable Cases

No person, firm, or corporation may be permitted to build or construct on state highway rights of way any approach road or any other facility, thing, or appurtenance not heretofore permitted by law, without first obtaining written permission from the department.

[1984 c 7 § 185; 1961 c 13 § 47.32.150. Prior: 1947 c 201 § 1; Rem. Supp. 1947 § 6402-50.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.160 Approach roads, other appurtenances--Rules--Construction, maintenance of approach roads.

Applicable Cases

The department is hereby authorized and empowered at its discretion to adopt reasonable rules governing the issuance of permits under RCW 47.32.150 for the construction of any approach road, facility, thing, or appurtenance, upon state highway rights of way. The rules shall be designed to achieve and preserve reasonable standards of highway safety and the operational integrity of the state highway facility. Any permit issued may contain such terms and conditions as may be prescribed. All such construction shall be under the supervision of the department and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing, or appurtenance, it shall be maintained at the expense of the applicant and in accordance with the directions of the department.

[1987 c 227 § 1; 1984 c 7 § 186; 1961 c 13 § 47.32.160. Prior: 1947 c 201 § 2; Rem. Supp. 1947 § 6402-51.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.32.170 Approach roads, other appurtenances--Removal of installations from right of way for default.

Applicable Cases

Upon failure of the applicant to construct or maintain the particular approach road, facility, thing, or appurtenance in accordance with the conditions of the permit and in accordance with the rules of the department, the department may, after the expiration of thirty days following transmittal of a written notice to the applicant, remove all installations upon the right of way at the expense of the applicant, which expense may be recovered from the applicant by the department for the state in any court of competent jurisdiction.

[1984 c 7 § 187; 1961 c 13 § 47.32.170. Prior: 1947 c 201 § 3; Rem. Supp. 1947 § 6402-52.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Chapter 47.36 RCW TRAFFIC CONTROL DEVICES

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47.36.400	Adopt-a-highway signs.

Notes:

County roads, signs, signals, guideposts--Standards: RCW 36.86.040.

Range areas, signs: RCW 16.24.060.

Rules of the road: Chapter 46.61 RCW.

RCW 47.36.005 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

(1) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(2) "Interstate system" means a state highway that is or becomes part of the national system of interstate and defense highways as described in section 103(d) of Title 23, United States Code.

(3) "Maintain" means to allow to exist.

(4) "Primary system" means a state highway that is or becomes part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code.

(5) "Scenic system" means (a) a state highway within a public park, federal forest area, public beach, public recreation area, or national monument, (b) a state highway or portion of a highway outside the boundaries of an incorporated city or town designated by the legislature as a part of the scenic system, or (c) a state highway or portion of a highway outside the boundaries of an incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025.

(6) "Motorist information sign panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS," "FOOD," "LODGING," "CAMPING," "RECREATION," or "TOURIST ACTIVITIES" and directional information; and

(b) One or more individual business signs mounted on the panel.

(7) "Business sign" means a separately attached sign mounted on the motorist information sign panel or roadside area information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants, and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Messages, trademarks, or brand symbols that interfere with, imitate, or resemble an official warning or regulatory traffic sign, signal, or device are prohibited.

(8) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(9) "Tourist-oriented directional sign" means a sign on a motorist information sign panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

(10) "Qualified tourist-oriented business" means a lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(11) "Adopt-a-highway sign" means a sign on a state highway right of way referring to the departments' adopt-a-highway litter control program.

[1999 c 201 § 1; 1991 c 94 § 3.]

RCW 47.36.010 Restoration of United States survey markers.

Applicable Cases

The department shall fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any state highway, and aid in the reestablishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any state highway by permitting inspection of the records in the department's office.

[1984 c 7 § 188; 1961 c 13 § 47.36.010. Prior: 1937 c 53 § 42; RRS § 6400-42; 1931 c 117 § 1; RRS § 6830-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.020 Traffic control signals.

Applicable Cases

The secretary of transportation shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

[1977 ex.s. c 151 § 60; 1961 c 13 § 47.36.020. Prior: 1937 c 53 § 50; RRS § 6400-50; prior: 1927 c 309 § 6; RRS § 6362-6.]

RCW 47.36.030 Traffic control devices--Specifications to be furnished to counties and cities.

Applicable Cases

The secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the

manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location approved by the secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

[1977 ex.s. c 151 § 61; 1961 c 13 § 47.36.030. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

RCW 47.36.040 Furnished by department, paid for by counties and cities.

Applicable Cases

The department, upon written request, shall cause to be manufactured, painted, and printed, and shall furnish to any county legislative authority or the governing body of any incorporated city or town, directional signboards, guide boards, and posts of the uniform state standard of color, shape, and design for the erection and maintenance thereof by the county legislative authority or the governing body of any incorporated city or town upon the roads and streets within their respective jurisdictions. The directional signboards, guide boards, and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The department shall fix a charge for each signboard, guide board, and post manufactured and furnished as aforesaid, based upon the ultimate cost of the operations to the department, and the county legislative authority, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards, and posts so received from the department.

[1984 c 7 § 189; 1961 c 13 § 47.36.040. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.050 Duty to erect traffic devices on state highways and railroad crossings.

Applicable Cases

The department shall erect and maintain upon every state highway in the state of Washington suitable and proper signs, signals, signboards, guideposts, and other traffic devices according to the adopted and designated state standard of design, erection, and location, and in

the manner required by law. The department shall erect and maintain upon all state highways appropriate stop signs, warning signs, and school signs. Any person, firm, corporation, or municipal corporation, building, owning, controlling, or operating a railroad that crosses any state highway at grade shall construct, erect, and maintain at or near each point of crossing, or at such point or points as will meet the approval of the department, a sign of the type known as the saw buck crossing sign with the lettering "railroad crossing" inscribed thereon and also a suitable inscription indicating the number of tracks. The sign must be of standard design that will comply with the plans and specifications furnished by the department. Additional safety devices and signs may be installed at any time when required by the utilities and transportation commission as provided by laws regulating railroad-highway grade crossings.

[1984 c 7 § 190; 1961 c 13 § 47.36.050. Prior: 1937 c 53 § 49; RRS § 6400-49; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; RRS § 6303, part; 1919 c 146 § 1; 1917 c 78 § 2; RRS § 6304. FORMER PART OF SECTION: 1937 c 53 § 51 now in RCW 47.36.053.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.053 General duty to place and maintain traffic devices on state highways and railroad crossings.

Applicable Cases

The department shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all state highways as it deems necessary to carry out the provisions of this title or to regulate, warn, or guide traffic.

[1984 c 7 § 191; 1961 c 13 § 47.36.053. Prior: 1937 c 53 § 51; RRS § 6400-51. Formerly RCW 47.36.050, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.060 Traffic devices on county roads and city streets.

Applicable Cases

Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets that are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. The traffic devices, signs, signals, and markers shall comply with the uniform state standard for the manufacture, display, direction, and location thereof as designated by the department. The design, location, erection, and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to the city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the department, and if the city or town fails to comply with

any such directions, the department shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state that have accrued or may accrue to the credit of the city or town, and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the department.

[1984 c 7 § 192; 1961 c 13 § 47.36.060. Prior: 1955 c 179 § 4; 1939 c 81 § 1; 1937 c 53 § 52; RRS § 6400-52.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.070 Failure to erect signs, procedure.

Applicable Cases

Whenever any person, firm, corporation, municipal corporation, or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any state highway fails, neglects, or refuses to erect and maintain, or either, the sign or signs as required by law at highway-railroad grade crossings, the utilities and transportation commission shall upon complaint of the department or upon complaint of any party interested, or upon its own motion, enter upon a hearing in the manner provided by law for hearings with respect to railroad-highway grade crossings and make and enforce proper orders for the erection or maintenance of the signs, or both.

[1984 c 7 § 193; 1961 c 13 § 47.36.070. Prior: 1937 c 53 § 54; RRS § 6400-54.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.080 Signs at railroad crossings.

Applicable Cases

Wherever it is considered necessary or convenient the department may erect approach and warning signs upon the approach of any state highway to a highway-railroad grade crossing situated at a sufficient distance therefrom to make the warning effective. The department may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety.

[1984 c 7 § 194; 1961 c 13 § 47.36.080. Prior: 1937 c 53 § 57; RRS § 6400-57.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.090 Cooperation with United States on road markers.

Applicable Cases

Standard federal road markers shall be placed on state highways in the manner requested by the department of transportation of the United States. The department of transportation of the state of Washington is authorized and empowered to cooperate with the several states and with the federal government in promoting, formulating, and adopting a standard and uniform system

of numbering or designating state highways of an interstate character and in promoting, formulating, and adopting uniform and standard specifications for the manufacture, display, erection, and location of road markers and signs, for the information, direction, and control of persons traveling upon public highways.

[1984 c 7 § 195; 1961 c 13 § 47.36.090. Prior: 1937 c 53 § 55; RRS § 6400-55; prior: 1925 c 24 § 1; RRS § 6303-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.095 Highway designation system--Signs.

Applicable Cases

The department is hereby authorized to establish a continuing system for the designating of state highways and branches or portions thereof, heretofore established by the legislature of the state of Washington, to give designations to such state highways and branches, or portions thereof, in accord with that system, and to install signs in accord therewith on such state highways and branches, or portions thereof. The system may be changed from time to time and shall be extended to new state highways and branches, or portions thereof, as they are hereafter established by the legislature.

[1984 c 7 § 196; 1967 ex.s. c 145 § 43; 1963 c 24 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Classification of highways: RCW 47.04.020.

RCW 47.36.097 Highway designation system--Filing.

Applicable Cases

Designations or redesignations assigned under the system by the department pursuant to RCW 47.36.095 as each is made, shall be filed with the secretary of state and with the auditor of each county. Thereafter such highways shall be so designated for all purposes.

[1984 c 7 § 197; 1967 ex.s. c 145 § 46.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.100 Directional, caution, and stop signs.

Applicable Cases

Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The department may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed,

erected, and maintained by the department as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway; upon all primary and secondary state highways at the point of intersection with any county road that has been designated by the department as an arterial having preference over the traffic on the state highway; and upon at least one state highway at the intersection of two state highways.

[1984 c 7 § 198; 1967 ex.s. c 145 § 38; 1961 c 13 § 47.36.100. Prior: 1947 c 206 § 1; 1937 c 53 § 56; Rem. Supp. 1947 § 6400-56.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.110 Stop signs, "Yield" signs--Duties of persons using highway.

Applicable Cases

In order to provide safety at intersections on the state highway system, the department may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state department of transportation's "Manual on Uniform Traffic Control Devices for Streets and Highways." All persons traveling upon the highway shall come to a complete stop at such a sign, and the appearance of any sign so located is sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through that portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It is unlawful to fail to comply with the directions of any such stop sign. When the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the department or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign.

[1984 c 7 § 199; 1963 ex.s. c 3 § 49; 1961 c 13 § 47.36.110. Prior: 1955 c 146 § 6; 1937 c 53 § 59; RRS § 6400-59.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Arterial highways designated--Stopping on entering: RCW 46.61.195.

RCW 47.36.120 City limit signs.

Applicable Cases

The department shall erect wherever it deems necessary upon state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of the cities or towns.

[1984 c 7 § 200; 1961 c 13 § 47.36.120. Prior: 1937 c 53 § 58; RRS § 6400-58.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.130 Meddling with signs prohibited.

Applicable Cases

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

[1961 c 13 § 47.36.130. Prior: 1937 c 53 § 53; RRS § 6400-53.]

Notes:

Defacing, injuring, or destroying signs: RCW 46.61.080.

Imitation of signs: RCW 46.61.075.

Structures concealing signs prohibited: RCW 46.61.075.

Unlawful erection of traffic devices: RCW 46.61.075.

RCW 47.36.180 Forbidden devices--Penalty.

Applicable Cases

It is unlawful to erect or maintain at or near a city street, county road, or state highway any structure, sign, or device:

(1) Visible from a city street, county road, or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road, or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape, and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road, or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street, or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road, or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street, or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town may abate the nuisance.

If the owner fails to remove any such structure or device within fifteen days after being notified to remove the structure or device, he is guilty of a misdemeanor.

[1984 c 7 § 201; 1961 c 13 § 47.36.180. Prior: 1957 c 204 § 1; 1937 c 53 § 62; RRS § 6400-62.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.200 Signs or flagmen at thoroughfare work sites.

Applicable Cases

When construction, repair, or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge, or other thoroughfare commonly traveled and when the work interferes with the normal and established mode of travel on the highway, county road, street, bridge, or thoroughfare, the location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation.

[1984 c 7 § 202; 1961 c 13 § 47.36.200. Prior: 1957 c 95 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.210 Signs or flagmen--Contractor compliance.

Applicable Cases

Any contractor, firm, corporation, political subdivision, or other agency performing such work shall comply with RCW 47.36.200 through 47.36.230.

[1961 c 13 § 47.36.210. Prior: 1957 c 95 § 2.]

RCW 47.36.220 Signs or flagmen--Obedience by work vehicles.

Applicable Cases

Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flagman stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

[1961 c 13 § 47.36.220. Prior: 1957 c 95 § 3.]

RCW 47.36.230 Signs or flagmen--Penalty.

Applicable Cases

A violation of or a failure to comply with any provision of RCW 47.36.200 through 47.36.220 shall be a misdemeanor. Each day upon which there is a violation, or there is a failure to comply, shall constitute a separate violation.

[1961 c 13 § 47.36.230. Prior: 1957 c 95 § 4.]

RCW 47.36.250 Dangerous road conditions requiring special tires, chains, or traction equipment--Signs or devices--Penalty.

Applicable Cases

If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction

equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

- (1) Dangerous road conditions, chains or other approved traction devices recommended.
- (2) Dangerous road conditions, chains or other approved traction devices required.
- (3) Dangerous road conditions, chains required.

Any equipment that may be required by this section shall be approved by the state patrol as authorized under RCW 46.37.420.

The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires. The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section is a misdemeanor.

[1987 c 330 § 747; 1984 c 7 § 203; 1975 1st ex.s. c 255 § 1; 1969 ex.s. c 7 § 2.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

Severability--1984 c 7: See note following RCW 47.01.141.

Restrictions as to tire equipment, metal studs: RCW 46.37.420.

RCW 47.36.260 Signs indicating proper lane usage.

Applicable Cases

The department shall erect signs on multilane highways indicating proper lane usage.

[1986 c 93 § 6.]

Notes:

Keep right except when passing, etc: RCW 46.61.100.

RCW 47.36.270 Regional shopping center directional signs.

Applicable Cases

Regional shopping center directional signs shall be erected and maintained on state highway right of way if they meet each of the following criteria:

- (1) There shall be at least five hundred thousand square feet of retail floor space available for lease at the regional shopping center;
- (2) The regional shopping center shall contain at least three major department stores that are owned by a national or regional retail chain organization;
- (3) The shopping center shall be located within one mile of the roadway;
- (4) The center shall generate at least nine thousand daily one-way vehicle trips to the

center;

(5) There is sufficient space available for installation of the directional sign as specified in the Manual On Uniform Traffic Control Devices;

(6) Supplemental follow-through directional signing is required at key decision points to direct motorists to the shopping center if it is not clearly visible from the point of exit from the main traveled way.

The department shall collect from the regional shopping center a reasonable fee based upon the cost of erection and maintenance of the directional sign.

[1987 c 469 § 1.]

RCW 47.36.280 Pavement marking standards.

Applicable Cases

The department of transportation shall, by January 1, 1992, adopt minimum pavement marking standards for the area designating the limits of the vehicle driving lane along the right edge for arterials that do not have curbs or sidewalks and are inside urbanized areas. In preparing the standards, the department of transportation shall take into consideration all types of pavement markings, including flat, raised, and recessed markings, and their effect on pedestrians, bicycle, and motor vehicle safety.

The standards shall provide that a jurisdiction shall conform to these requirements, at such time thereafter that it undertakes to (1) renew or install permanent markings on the existing or new roadway, and (2) remove existing nonconforming raised pavement markers at the time the jurisdiction prepares to resurface the roadway, or earlier, at its option. These standards shall be in effect, as provided in this section, unless the legislative authority of the local governmental body finds that special circumstances exist affecting vehicle and pedestrian safety that warrant a variance to the standard.

For the purposes of this section, "urbanized area" means an area designated as such by the United States bureau of census and having a population of more than fifty thousand. Other jurisdictions that install pavement marking material on the right edge of the roadway shall do so in a manner not in conflict with the minimum state standard.

[1991 c 214 § 4.]

RCW 47.36.290 State park directional signs.

Applicable Cases

Directional signs for state parks within fifteen miles of an interstate highway shall be erected and maintained on the interstate highway by the department despite the existence of additional directional signs on primary or scenic system highways in closer proximity to such state parks.

[1985 c 376 § 7. Formerly RCW 47.42.160.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

RCW 47.36.300 Supplemental directional signs--Erection by local governments.

Applicable Cases

(1) The legislative authority of any county, city, or town may erect, or permit the erection of, supplemental directional signs directing motorists to motorist service businesses qualified for motorist information sign panels pursuant to RCW 47.36.310 or 47.36.320 in any location on, or adjacent to, the right of way of any roads or streets within their jurisdiction.

(2) Appropriate fees may be charged to cover the cost of issuing permits, installation, or maintenance of such signs.

(3) Supplemental signs and their locations shall comply with all applicable provisions of this chapter, the Manual on Uniform Traffic Control Devices, and such rules as may be adopted by the department.

[1999 c 201 § 2; 1986 c 114 § 3. Formerly RCW 47.42.052.]

RCW 47.36.310 Motorist information signs--Interstate highways--Contents, placement, fees.

Applicable Cases

The department is authorized to erect and maintain motorist information sign panels within the right of way of the interstate highway system to give the traveling public specific information as to gas, food, lodging, camping, or tourist-oriented business available on a crossroad at or near an interchange. Motorist information sign panels shall include the words "GAS," "FOOD," "LODGING," "CAMPING," or "TOURIST ACTIVITIES" and directional information and may contain one or more individual business signs maintained on the panel. Motorist information sign panels are authorized within the corporate limits of cities and towns and areas zoned for commercial or industrial uses at locations where there is adequate distance between interchanges to ensure compliance with the Manual on Uniform Traffic Control Devices. The erection and maintenance of motorist information sign panels shall also conform to the Manual on Uniform Traffic Control Devices and rules adopted by the state department of transportation. A motorist service or tourist-oriented business located within one mile of an interstate highway shall not be permitted to display its name, brand, or trademark on a motorist information sign panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building measured to the bottom of the on-premise sign. The restriction for on-premise signs does not apply if the sign is not visible from the highway. The department may, on a case-by-case basis, waive the height restriction when an on-premise sign is visible from the rural interstate system. The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance, and may charge reasonable fees to recover costs for the erection and maintenance of the motorist information sign panels.

[1999 c 201 § 3; 1987 c 469 § 3; 1986 c 114 § 1; 1985 c 142 § 1; 1984 c 7 § 223; 1974 ex.s. c 80 § 2. Formerly RCW 47.42.046.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.320 Motorist information signs, tourist-oriented directional signs--Primary and scenic roads--Contents, placement, fees.

Applicable Cases

The department is authorized to erect and maintain motorist information sign panels within the right of way of noninterstate highways to give the traveling public specific information as to gas, food, lodging, recreation, or tourist-oriented businesses accessible by way of highways intersecting the noninterstate highway. The motorist information sign panels are permitted only at locations within the corporate limits of cities and towns and areas zoned for commercial or industrial uses where there is adequate distance between interchanges to ensure compliance with the Manual on Uniform Traffic Control Devices. Motorist information sign panels shall include the words "GAS," "FOOD," "LODGING," "RECREATION," or "TOURIST ACTIVITIES" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of motorist information sign panels along noninterstate highways shall also conform to the Manual on Uniform Traffic Control Devices and rules adopted by the state department of transportation. A motorist service or tourist-oriented business located within one mile of a noninterstate highway shall not be permitted to display its name, brand, or trademark on a motorist information sign panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building measured to the bottom of the on-premise sign.

The department shall adopt rules for the erection and maintenance of tourist-oriented directional signs with the following restrictions:

(1) Where installed, they shall be placed in advance of the "GAS," "FOOD," "LODGING," or "RECREATION" motorist information sign panels previously described in this section;

(2) Signs shall not be placed to direct a motorist to an activity visible from the main traveled roadway;

(3) Premises on which the qualified tourist-oriented business is located must be within fifteen miles of the state highway except as provided in RCW 47.36.330(3) (b) and (c), and necessary supplemental signing on local roads must be provided before the installation of the signs on the state highway.

The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance, and may charge reasonable fees for the erection and maintenance of the motorist information sign panels.

[1999 c 213 § 1; 1999 c 201 § 4; 1986 c 114 § 2; 1985 c 376 § 4; 1985 c 142 § 2; 1984 c 7 § 224; 1974 ex.s. c 80 § 4. Formerly RCW 47.42.047.]

Notes:

Reviser's note: This section was amended by 1999 c 201 § 4 and by 1999 c 213 § 1, each without Page 12323 Printed on 3/5/2012

reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Legislative intent--1985 c 376: See note following RCW 47.42.020.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.36.330 Motorist information signs--Maximum number and distance.

Applicable Cases

(1) Not more than six business signs may be permitted on motorist information sign panels authorized by RCW 47.36.310 and 47.36.320.

(2) The maximum distance that eligible service facilities may be located on either side of an interchange or intersection to qualify for a business sign are as follows:

(a) On interstate highways, gas, food, or lodging activities shall be located within three miles. Camping or tourist-oriented activities shall be within five miles.

(b) On noninterstate highways, gas, food, lodging, recreation, or tourist-oriented activities shall be located within five miles.

(3)(a) If no eligible services are located within the distance limits prescribed in subsection (2) of this section, the distance limits shall be increased until an eligible service of a type being considered is reached, up to a maximum of fifteen miles.

(b) The department may erect and maintain signs on an alternate route that is longer than fifteen miles if it is safer and still provides reasonable and convenient travel to an eligible service.

(c) The department may erect and maintain signs on a route up to a maximum of twenty miles if it qualifies as an eligible service and is within a distressed area under the criteria of chapter 43.165 RCW.

[1999 c 213 § 2; 1999 c 201 § 5; 1985 c 142 § 3. Formerly RCW 47.42.0475.]

Notes:

Reviser's note: This section was amended by 1999 c 201 § 5 and by 1999 c 213 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

RCW 47.36.340 Motorist information signs--Lodging.

Applicable Cases

To be eligible for placement of a business sign on a motorist information sign panel a lodging activity shall:

(1) Be licensed or approved by the department of social and health services or county health authority;

(2) Provide adequate sleeping and bathroom accommodations available for rental on a daily basis; and

(3) Provide public telephone facilities.

[1999 c 201 § 6; 1985 c 376 § 8. Formerly RCW 47.42.170.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

RCW 47.36.350 Motorist information signs--Installation time.

Applicable Cases

The department shall ensure that motorist information sign panels are installed within nine months of receiving the request for installation.

[1999 c 201 § 7; 1991 c 94 § 5.]

RCW 47.36.400 Adopt-a-highway signs.

Applicable Cases

The department may install adopt-a-highway signs, with the following restrictions:

(1) Signs shall be designed by the department and may only include the words "adopt-a-highway litter control facility" or "adopt-a-highway litter control next XX miles" and the name of the litter control area sponsor. The sponsor's name shall not be displayed more predominantly than the remainder of the sign message. Trademarks or business logos may be displayed;

(2) Signs may be placed along interstate, primary, and scenic system highways;

(3) Signs may be erected at other state-owned transportation facilities in accordance with RCW 47.40.100(1);

(4) For each litter control area designated by the department, one sign may be placed visible to traffic approaching from each direction;

(5) Signs shall be located so as not to detract from official traffic control signs installed pursuant to the manual on uniform traffic control devices adopted by the department;

(6) Signs shall be located so as not to restrict sight distance on approaches to intersections or interchanges;

(7) The department may charge reasonable fees to defray the cost of manufacture, installation, and maintenance of adopt-a-highway signs.

[1998 c 180 § 1; 1991 c 94 § 4.]

**Chapter 47.38 RCW
ROADSIDE AREAS--SAFETY REST AREAS**

RCW

47.38.010	Rules governing use and control of rest areas, historic sites, viewpoints, etc.
47.38.020	Limitations on use of rest areas.
47.38.030	Penalty.
47.38.040	Information centers.
47.38.050	Recreational vehicle sanitary disposal systems.
47.38.060	Dedication of rest areas.

Notes:

Acquisition of property for safety rest areas, buffers, viewpoints, historic sites: RCW 47.12.250.

RCW 47.38.010 Rules governing use and control of rest areas, historic sites, viewpoints, etc.

Applicable Cases

Pursuant to chapter 34.05 RCW, the department and the Washington state patrol shall jointly adopt rules governing the conduct and the safety of the traveling public relating to the use and control of rest areas and other areas as designated in RCW 47.12.250. Nothing herein may be construed as limiting the powers of the department as provided by law.

[1993 c 116 § 1; 1984 c 7 § 204; 1967 ex.s. c 145 § 29.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Roadside areas--Safety rest areas, provisions of scenic and recreational highway act concerning: Chapter 47.39 RCW.

RCW 47.38.020 Limitations on use of rest areas.

Applicable Cases

Except where specifically authorized by the department, it is unlawful for any person or persons to stop, stand, or park any vehicle, including but not limited to trailers, campers, and motorcycles, for more than eight hours, or for any person or persons to camp or to maintain a camp, tent, or other sleeping accommodation or facility, in any rest area or safety rest area within the limits of the right of way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250. This section does not apply to disabled vehicles.

[1984 c 7 § 205; 1967 ex.s. c 145 § 30.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.38.030 Penalty.

Applicable Cases

Any person violating RCW 47.38.010 or any rule or regulation adopted pursuant to RCW 47.38.010 shall be guilty of a misdemeanor: PROVIDED, That violation of a rule or regulation relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a rule or regulation equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

[1993 c 116 § 2; 1979 ex.s. c 136 § 102; 1967 ex.s. c 145 § 31.]

Notes:

Effective date--Severability--1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 47.38.040 Information centers.

Applicable Cases

In order to provide information in the specific interest of the traveling public, the department may establish information centers at safety rest areas and permit maps, informational directories, and advertising pamphlets to be made available there for the purpose of informing the public of places of interest within the state and providing such other information as the department deems desirable.

[1984 c 7 § 206; 1967 ex.s. c 145 § 32.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.38.050 Recreational vehicle sanitary disposal systems.

Applicable Cases

The department of transportation shall construct and maintain recreational vehicle sanitary disposal systems in the following safety rest areas lying along highways which are a part of the interstate highway system:

- (1) Gee Creek safety rest area, northbound and southbound on Interstate 5 in Clark county;
- (2) Sea-Tac safety rest area, northbound on Interstate 5 in King county;
- (3) Silver Lake safety rest area, southbound on Interstate 5 in Snohomish county;
- (4) Winchester Wasteway safety rest area, eastbound and westbound on Interstate 90 in Grant county;
- (5) Sprague safety rest area, eastbound on Interstate 90 in Lincoln county;
- (6) Selah Creek safety rest area, northbound and southbound on Interstate 82 in Yakima county;
- (7) Indian John Hill safety rest area, eastbound and westbound on Interstate 90 in Kittitas county;
- (8) Smokey Point safety rest area, northbound and southbound on Interstate 5 in Snohomish county;
- (9) Schrag safety rest area, westbound on Interstate 90 in Adams county.

[1996 c 237 § 3; 1980 c 60 § 1.]

Notes:

Effective date--1980 c 60: "This act shall take effect July 1, 1980." [1980 c 60 § 4.]

RCW 47.38.060 Dedication of rest areas.

Applicable Cases

The transportation commission may designate interstate safety rest areas, as appropriate, as locations for memorial signs to prisoners of war and those missing in action. The commission shall adopt policies for the placement of memorial signs on interstate safety rest areas and may disapprove any memorial sign that it determines to be inappropriate or inconsistent with the policies. The policies shall include, but are not limited to, guidelines for the size and location of

and inscriptions on memorial signs. The secretary shall adopt rules for administering this program. Nonprofit associations may have their name identified on a memorial sign if the association bears the cost of supplying and maintaining the memorial sign.

[1996 c 172 § 1.]

Chapter 47.39 RCW

SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967

RCW

47.39.010	System created--Standards.
47.39.020	Designation of portions of existing highways as part of system.
47.39.030	Development and maintenance of system by department of transportation and parks and recreation commission--Allocation of costs.
47.39.040	Planning and design standards established by department of community, trade, and economic development.
47.39.050	Planning and design standards--Facilities and factors considered.
47.39.060	Designation of system on maps or other descriptive material.
47.39.069	Designation and removal criteria.
47.39.075	Corridor management plan.
47.39.080	Funding priorities--Signage.
47.39.090	Consultation with other agencies and parties--Identification of tourist routes.
47.39.100	Removal of designation.
47.39.900	Short title.
47.39.910	Severability--1967 ex.s. c 85.

RCW 47.39.010 System created--Standards.

Applicable Cases

There is hereby created a scenic and recreational highway system. Highways in this system shall be developed and maintained in accordance with general standards for state highways of comparable classification and usage.

Recognizing that the Transportation Equity Act for the 21st Century establishes a national "scenic byway" program that could benefit state and local roadways, the Washington state scenic byway designation program is revised to address state and local transportation routes. Byways in this program must be designated and maintained in accordance with the criteria developed by the department under this chapter. However, a highway so designated under RCW 47.39.069 does not become part of the scenic and recreational highway system unless approved by the legislature.

[1999 c 218 § 1; 1967 ex.s. c 85 § 1.]

Notes:

Effective date--1999 c 218: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 1999]." [1999 c 218 § 9.]

RCW 47.39.020 Designation of portions of existing highways as part of system.

Applicable Cases

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also

Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynoochee river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(12) State route number 17, beginning at a junction with state route number 395 in the vicinity of Mesa, thence northerly to the junction with state route number 97 in the vicinity of

Brewster;

(13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence northerly and easterly to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;

(15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;

(16) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;

(17) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;

(18) State route number 90, beginning at the junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;

(19) State route number 97, beginning at the Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also

Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth;

(20) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;

(21) State route number 101, beginning at the Astoria-Megler bridge, thence north to Fowler street in Raymond; also

Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the junction with state route number 5 in the vicinity of Olympia;

(22) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the Kingston ferry crossing;

(23) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(24) State route number 109, beginning at a junction with state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;

(25) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number

101;

(26) State route number 116, beginning at the junction with the Chimacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;

(27) State route number 119, beginning at the junction with state route number 101 at Hoodspport, thence northwesterly to the Mount Rose development intersection;

(28) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;

(29) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;

(30) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;

(31) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;

(32) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;

(33) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(34) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northerly and westerly to the junction with state route number 215;

(35) State route number 194, beginning at the Port of Almoda to the junction with state route number 195 in the vicinity of Pullman;

(36) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(37) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(38) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(39) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(40) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(41) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(42) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulsbo;

(43) State route number 395, beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number

20 at the west end of the crossing over the Columbia river at Kettle Falls;

(44) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(45) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(46) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(47) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(48) State route number 504, beginning at a junction with state route number 5 at Castle Rock, to the end of the route on Johnston Ridge, approximately milepost 52;

(49) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(50) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(51) State route number 525, beginning at the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

(52) State route number 542, beginning at the junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

(53) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(54) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(55) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(56) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road.

[1993 c 430 § 7; 1992 c 26 § 2; 1991 c 342 § 54; 1990 c 240 § 3; 1975 c 63 § 8; 1973 1st ex.s. c 151 § 10; 1971 ex.s. c 73 § 29; 1970 ex.s. c 51 § 177; 1969 ex.s. c 281 § 6; 1967 ex.s. c 85 § 2.]

Notes:

Effective dates--1991 c 342: See note following RCW 47.26.167.

Legislative finding--1990 c 240: "The legislature finds that scenic and recreational highways are designated because of a need to develop management plans that will protect and preserve the scenic and recreational resources from loss through inappropriate development. Protection of scenic and recreational resources includes managing land use outside normal highway rights of way. The legislature recognizes that scenic and recreational highways are typically located in areas that are natural in character, along watercourses or through mountainous

areas, or in areas with a view of such scenery." [1990 c 240 § 1.]

RCW 47.39.030 Development and maintenance of system by department of transportation and parks and recreation commission--Allocation of costs.

Applicable Cases

(1) The department shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) Acquisition of the right of way necessary for state highway purposes; (b) construction of the portion of the highway designed primarily for motor vehicle travel; (c) exit and entrance roadways providing access to scenic observation points; (d) safety rest areas; (e) roadside landscaping within the portion of the highway right of way acquired by the department for state highway purposes; (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways; and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12.250, for which the department shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the department and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section.

(4) The city, town, county, regional transportation planning organization, federal agency, federally recognized tribe, or any other such party that nominates a roadway not located on a state-owned right of way for designation as a scenic byway shall bear all costs relating to the nomination and designation of the byway, such as costs for developing, maintaining, planning, designing, and constructing the scenic byway.

[1999 c 218 § 2; 1984 c 7 § 207; 1967 ex.s. c 85 § 3.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

Severability--1984 c 7: See note following RCW 47.01.141.

Safety rest areas: Chapter 47.38 RCW.

RCW 47.39.040 Planning and design standards established by department of community, trade, and economic development.

Applicable Cases

The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the department of community, trade, and economic development. The department of transportation, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit, and file with the department of community, trade, and economic development standards relating to the scenic and

recreational highway system. If varying planning and design standards are filed, the department of community, trade, and economic development shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the department of transportation and the parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter, but the department shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the department and the parks and recreation commission with the department responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two agencies.

[1995 c 399 § 122; 1985 c 6 § 16; 1984 c 7 § 208; 1967 ex.s. c 85 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Department of community, trade, and economic development: Chapter 43.330 RCW.

RCW 47.39.050 Planning and design standards--Facilities and factors considered.

Applicable Cases

Planning and design standards established for highways falling within the scenic and recreational highways system may include, but shall not be limited to, provision for the following:

- (1) Hiking, bicycle, and bridle trails, including regulations for their use;
- (2) Campsites and shelters;
- (3) Boat launching sites;
- (4) Access trails to lakes, rivers and streams, and easements along their shores;
- (5) Safety rest areas;
- (6) Historic and geologic interpretative facilities;
- (7) Scenic observation facilities;
- (8) Roadside landscaping, restoration and aesthetic enhancement;
- (9) Specifically delineated highway corridors and means for the preservation of natural beauty, historic sites, or viewpoints;
- (10) A uniform system of signs and markers designating the various features and facilities of the scenic and recreational highway systems.

[1967 ex.s. c 85 § 5.]

RCW 47.39.060 Designation of system on maps or other descriptive material.

Applicable Cases

The department and the parks and recreation commission may include, where appropriate, on any maps, or in any relevant descriptive material they may prepare at state expense, references to those portions of highways designated in RCW 47.39.020, and may include those designated

byways by appropriate color or code designation.

[1999 c 218 § 3; 1984 c 7 § 209; 1967 ex.s. c 85 § 6.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.39.069 Designation and removal criteria.

Applicable Cases

(1) The department, in consultation with the department of community, trade, and economic development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, federally recognized tribes, regional transportation planning organizations, Washington-based automobile clubs, state-wide bicycling organizations, and other interested parties, shall develop by December 31, 1999, criteria for assessing scenic byways and heritage tour routes and an appropriate method of nomination and application for the designation and removal of the designation of the byways. Factors the department may take into consideration, but is not limited by, are: (a) Scenic quality of the byway; (b) natural aspects, such as geological formations, water bodies, vegetation, and wildlife; (c) historic elements; (d) cultural features such as the arts, crafts, music, customs, or traditions of a distinct group of people; (e) archaeological features; (f) recreational activities; (g) roadway safety including accommodations for bicycle and pedestrian travel, tour buses, and automobiles; (h) scenic byway and local and regional byway management plans; and (i) local public involvement and support for the byway.

(2) The criteria developed in subsection (1) of this section must not impose nor require regulation of privately owned lands or property rights.

(3) Any person may nominate a roadway, path, or trail for inclusion in the scenic byway program. The department shall assess nominations in accordance with the criteria developed under subsection (1) of this section. The department shall submit its recommendations for scenic byway and heritage tour route designations to the commission for its approval and official designation of the roadway, path, or trail as a scenic byway or a heritage tour route. All decisions made by the commission relating to scenic byway and heritage tour route designations are final.

(4) The department shall apply the criteria in subsection (1) of this section to state highways that are currently not a part of the designated scenic and recreational highway system. The department shall respond to local requests for route evaluation as defined in subsection (3) of this section.

(5) Once the commission has designated a roadway as a scenic byway, the department may submit an individual nomination to the Federal Highway Administration for its consideration of whether the roadway qualifies to be designated as a national scenic byway or an All-American Roadway.

[1999 c 218 § 4.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.075 Corridor management plan.

Applicable Cases

The department shall participate with local communities to develop a corridor management plan for a state highway nominated to be part of the scenic byway program. Local, regional, or other governmental bodies shall develop a corridor management plan for nominated routes that are under their jurisdiction.

[1999 c 218 § 5.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.080 Funding priorities--Signage.

Applicable Cases

Recognizing that the Transportation Equity Act for the 21st Century establishes a national "Scenic Byways" grant program and a new apportionment program called "Transportation Enhancement Activities," the department of transportation shall place high priority on obtaining funds from those sources for further development of a scenic and recreational highways program, including enhancement projects on the designated scenic and recreational highway system. The department shall consider the use of the designated system by bicyclists and pedestrians in connection with nonmotorized routes in the state trail plan, and the state bicycle plan which are also eligible for TEA-21 funding. Appropriate signage may be used at intersections of nonmotorized and motorized systems to demonstrate the access, location, and the interconnectivity of various modes of travel for transportation and recreation. For the purposes of leveraging national scenic byway planning grant funds, the commission may designate eligible state highways as scenic byways on an interim basis.

[1999 c 218 § 6; 1993 c 430 § 8.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.090 Consultation with other agencies and parties--Identification of tourist routes.

Applicable Cases

In developing the scenic and recreational highways program, the department shall consult with the department of community, trade, and economic development, the department of natural resources, the parks and recreation commission, affected cities, towns, and counties, regional transportation planning organizations, state-wide bicycling organizations, and other interested parties. The scenic and recreational highways program may identify entire highway loops or similar tourist routes that could be developed to promote tourist activity and provide concurrent economic growth while protecting the scenic and recreational quality surrounding state highways.

[1995 c 399 § 123; 1993 c 430 § 9.]

RCW 47.39.100 Removal of designation.

Applicable Cases

(1) The commission may remove the designation of a route if it no longer possesses the intrinsic qualities or fails to meet the criteria that supported its designation.

(2) The department shall determine whether a roadway designated as a national scenic byway or an All-American Roadway is being properly maintained in accordance with the roadway's byway management plan, including preserving the intrinsic qualities that originally supported the designation. When the department determines that the intrinsic qualities of a national scenic byway or All-American Roadway have not been maintained sufficiently to retain its designation, the department shall notify the party responsible for maintaining the designation of the finding and allow the party an opportunity, under federal regulations, for corrective action before formal removal of the designation of the roadway.

(3) Local, regional, or other governmental bodies may notify the commission of the removal of a designated route if they determine it no longer meets the designation criteria, or community support for the designation no longer exists, or it no longer possesses the intrinsic qualities that supported its original designation.

(4) State or local removal of a designated route will result in discontinued state support of the designated route and can include, but is not limited to, state matching assistance for grant applications, the removal of signs directly related to the byway, free promotional information in the state-owned safety rest areas, and inclusion in maps, brochures, and electronic media.

[1999 c 218 § 7.]

Notes:

Effective date--1999 c 218: See note following RCW 47.39.010.

RCW 47.39.900 Short title.

Applicable Cases

RCW 47.39.010 through 47.39.910 shall constitute a new chapter in Title 47 RCW and shall be known and may be cited as the "Scenic and Recreational Highway Act of 1967."

[1967 ex.s. c 85 § 7.]

RCW 47.39.910 Severability--1967 ex.s. c 85.

Applicable Cases

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

[1967 ex.s. c 85 § 8.]

Chapter 47.40 RCW

ROADSIDE IMPROVEMENT AND BEAUTIFICATION

RCW

47.40.010	Improvement and beautification a highway purpose.
47.40.020	Use of funds authorized.
47.40.030	Permit to private persons.
47.40.040	Application for permit, contents.
47.40.050	Survey--Report--Permit.
47.40.060	Agreement to maintain project.
47.40.070	Damaging project unlawful.
47.40.080	Penalty for destroying native flora on state lands, highways, parks.
47.40.090	Glass bottles along highways--Collection and removal.
47.40.100	State adopt-a-highway program.
47.40.105	Local adopt-a-highway programs.

Notes:

City streets, parkways, boulevards, etc.: Title 35 RCW.

State parks and recreation commission may plant trees along highway: RCW 79A.05.030.

Withdrawal of public lands abutting highway: RCW 79A.05.105.

RCW 47.40.010 Improvement and beautification a highway purpose.

Applicable Cases

The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any state highway is hereby declared to be a proper state highway purpose.

[1961 c 13 § 47.40.010. Prior: 1937 c 53 § 88; RRS § 6400-88.]

RCW 47.40.020 Use of funds authorized.

Applicable Cases

Whenever funds are available for the planting or cultivation of any shrubs, trees, hedges, or other domestic or native ornamental growth, the improvement of roadside facilities and view points, the correction of unsightly conditions upon the right of way of any state highway, and for roadside development and beautification, the department is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision, or any person, firm, corporation, association, or organization.

[1984 c 7 § 210; 1961 c 13 § 47.40.020. Prior: 1937 c 53 § 89; RRS § 6400-89.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.030 Permit to private persons.

Applicable Cases

Any person, firm, corporation, association, or organization owning lands abutting upon any state highway and desiring to plant, cultivate, and grow any hedge, shade trees, or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of the state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association, or organization interested in public improvement and desiring to improve and beautify any state highway right of way or any portion thereof by planting, cultivating, or growing any hedge or shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the department, be granted a permit therefor as provided by law.

[1984 c 7 § 211; 1961 c 13 § 47.40.030. Prior: 1937 c 53 § 90; RRS § 6400-90; prior: 1927 c 242 § 1; RRS § 6437-1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.040 Application for permit, contents.

Applicable Cases

Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such state highway or the name of the person, firm, corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made.

[1961 c 13 § 47.40.040. Prior: 1937 c 53 § 91; RRS § 6400-91; prior: 1927 c 242 § 2; RRS § 6437-2.]

RCW 47.40.050 Survey--Report--Permit.

Applicable Cases

Upon the filing of such application, the department shall cause a survey of the state highway to be made with reference to the application and a report of the findings and recommendations as to the granting of the permit, and if it appears to the satisfaction of the department that the use of a portion of the state highway for the purpose set out in the application will not interfere with the use of the state highway for public travel and will beautify and improve the state highway, a permit may be granted and issued to the applicant to plant, cultivate, and grow any hedge, shade or ornamental trees, shrubbery, or crops, or make such improvement along or upon the right of way of such portion of the state highway as is definitely

described in the permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the state highway described in the permit as is specified in the permit. The permit shall specify the exact location of all hedges, shade or ornamental trees, or shrubbery to be planted and grown, or the area to be cultivated under the permit, or the area to be improved to which specified location the person, firm, corporation, association, or organization receiving the permit shall specifically conform. The department may in its discretion refuse to issue the permit, and any such permit that is granted is revocable at the will of the department and nothing in this title may be construed as in anywise affecting the title of the state to the lands included in the state highway, or the right to use the lands for state highway purposes, or to remove or destroy any of such hedges, trees, shrubbery, or crops for the purpose of construction, alteration, repair, improvement, or maintenance of the state highway, or for any other purpose and at any time.

[1984 c 7 § 212; 1961 c 13 § 47.40.050. Prior: 1937 c 53 § 92; RRS § 6400-92; prior: 1927 c 242 § 3, part; RRS § 6437, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.060 Agreement to maintain project.

Applicable Cases

If any such permit is granted, the department shall enter into an agreement with the person, firm, corporation, association, or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the department or by the person, firm, corporation, association, or organization. If any such person, firm, corporation, association, or organization so agreeing fails or neglects to maintain the roadside development or beautification, the department is empowered to do so, and the expense thereof shall be a charge against the person, firm, corporation, association, or organization.

[1984 c 7 § 213; 1961 c 13 § 47.40.060. Prior: 1937 c 53 § 93; RRS § 6400-93; prior: 1927 c 242 § 3, part; RRS § 6437-3, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.070 Damaging project unlawful.

Applicable Cases

It is unlawful for any person to injure, destroy, or remove any hedge, shade or ornamental trees, shrubbery, or crops, planted, cultivated, and grown or improvement made upon or along any portion of any state highway under permit from the department or otherwise, or to injure, destroy, or remove any fence erected under any such permit or otherwise. However, nothing in this section may be construed to prevent any person with the department to do so or the officers of the state charged with the duty of constructing and maintaining any such state highway, from removing any hedges, trees, shrubbery, or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of the state

highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement, or maintenance of the state highway.

[1984 c 7 § 214; 1961 c 13 § 47.40.070. Prior: 1937 c 53 § 94; RRS § 6400-94; prior: 1927 c 242 § 4; RRS § 6437-4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.40.080 Penalty for destroying native flora on state lands, highways, parks.

Applicable Cases

Any person who shall break or cut from any lands owned by the state of Washington or shall cut down, remove, destroy or uproot any rhododendron, evergreen, huckleberry, native dogwood or any other native tree, shrub, fern, herb, bulb or wild plants, or any part thereof, within three hundred feet of the center line of any state or county road, or who shall cut down, remove or destroy any flowering or ornamental tree or shrub, or any native flowering plant, fern, herb or bulb, either perennial or annual, situate, growing or being on any public street or highway, state or city park, in the state of Washington, unless such person be engaged in the work of constructing or repairing such highway or street under authority and direction of the legally constituted public officials being charged by law with the duty of constructing or repairing such highways or streets, state or city parks, shall be guilty of a misdemeanor.

[1961 c 13 § 47.40.080. Prior: 1933 c 133 § 1; 1925 ex.s. c 59 § 1; RRS § 2787-1.]

RCW 47.40.090 Glass bottles along highways--Collection and removal.

Applicable Cases

The department and any other governmental subdivision shall, with the staff, equipment, and material under their control, or by contract with others, take all necessary actions to collect and remove any or all glass bottles or glass containers along the right of way of any public road or public highway.

[1984 c 7 § 215; 1969 ex.s. c 281 § 48.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Deposit of unwholesome substance: RCW 9.66.050.

Removal of glass after accident: RCW 46.61.645.

Throwing glass on highway: RCW 46.61.645, 70.93.060.

RCW 47.40.100 State adopt-a-highway program.

Applicable Cases

(1) The department of transportation shall establish a state-wide adopt-a-highway program. The purpose of the program is to provide volunteers and businesses an opportunity to contribute to a cleaner environment, enhanced roadsides, and protection of wildlife habitats. Participating volunteers and businesses shall adopt department-designated sections of state highways, rest areas, park and ride lots, intermodal facilities, and any other facilities the

department deems appropriate, in accordance with rules adopted by the department. The department may elect to coordinate a consortium of participants for adopt-a-highway projects.

The adopt-a-highway program shall include, at a minimum, litter control for the adopted section, and may include additional responsibilities such as planting and maintaining vegetation, controlling weeds, graffiti removal, and any other roadside improvement or clean-up activities the department deems appropriate. The department shall not accept adopt-a-highway proposals that would have the effect of terminating classified employees or classified employee positions.

(2) A volunteer group or business choosing to participate in the adopt-a-highway program must submit a proposal to the department. The department shall review the proposal for consistency with departmental policy and rules. The department may accept, reject, or modify an applicant's proposal.

(3) The department shall seek partnerships with volunteer groups and businesses to facilitate the goals of this section. The department may solicit funding for the adopt-a-highway program that allows private entities to undertake all or a portion of financing for the initiatives. The department shall develop guidelines regarding the cash, labor, and in-kind contributions to be performed by the participants.

(4) An organization whose name: (a) Endorses or opposes a particular candidate for public office, (b) advocates a position on a specific political issue, initiative, referendum, or piece of legislation, or (c) includes a reference to a political party shall not be eligible to participate in the adopt-a-highway program.

(5) In administering the adopt-a-highway program, the department shall:

(a) Provide a standardized application form, registration form, and contractual agreement for all participating groups. The forms shall notify the prospective participants of the risks and responsibilities to be assumed by the department and the participants;

(b) Require all participants to be at least fifteen years of age;

(c) Require parental consent for all minors;

(d) Require at least one adult supervisor for every eight minors;

(e) Require one designated leader for each participating organization, unless the department chooses to coordinate a consortium of participants;

(f) Assign each participating organization a section or sections of state highway, or other state-owned transportation facilities, for a specified period of time;

(g) Recognize the efforts of a participating organization by erecting and maintaining signs with the organization's name on both ends of the organization's section of highway;

(h) Provide appropriate safety equipment. Safety equipment issued to participating groups must be returned to the department upon termination of the applicable adopt-a-highway agreement;

(i) Provide safety training for all participants;

(j) Pay any and all premiums or assessments required under RCW 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for all volunteers participating in the program;

(k) Require participating businesses to pay all employer premiums or assessments required to secure medical aid benefits under chapter 51.36 RCW for all employees or agents

participating in the program;

(l) Maintain records of all injuries and accidents that occur;

(m) Adopt rules that establish a process to resolve any question of an organization's eligibility to participate in the adopt-a-highway program;

(n) Obtain permission from property owners who lease right of way before allowing an organization to adopt a section of highway on such leased property; and

(o) Establish procedures and guidelines for the adopt-a-highway program.

(6) Nothing in this section affects the rights or activities of, or agreements with, adjacent landowners, including the use of rights of way and crossings, nor impairs these rights and uses by the placement of signs.

[1995 c 106 § 1; 1990 c 258 § 5.]

Notes:

Legislative findings and intent--1990 c 258: "The legislature finds that despite the efforts of the department of transportation, the department of ecology, and the ecology youth corps to pick up litter along state highways, roadside litter in Washington state has increased by thirty-six percent since 1983. The legislature further finds that in twenty-seven states, volunteer organizations are able to give of their time and energy, demonstrate commitment to a clean environment, and discourage would-be litterers by keeping sections of highway litter free because those states have established programs to encourage and recognize such voluntary efforts. Therefore, it is the legislature's intent to establish an "adopt-a-highway" litter control program as a partnership between citizen volunteers and the state to reduce roadside litter and build civic pride in a litter-free Washington." [1990 c 258 § 4.]

RCW 47.40.105 Local adopt-a-highway programs.

Applicable Cases

Local government legislative authorities may enact local "adopt-a-highway sign" programs which are not inconsistent with state or federal law.

[1990 c 258 § 3.]

Notes:

Legislative findings and intent--1990 c 258: See note following RCW 47.40.100.

Chapter 47.41 RCW

JUNKYARDS ADJACENT TO INTERSTATE AND PRIMARY HIGHWAYS

RCW

47.41.010	Legislative declaration--Purpose.
47.41.020	Definitions.
47.41.030	Junkyards adjacent to highways prohibited--Exceptions.
47.41.040	Screening or removal of junkyard.
47.41.050	Administrative rules--Review of action.
47.41.060	Other laws not affected.
47.41.070	Violations--Penalty--Abatement as public nuisance.
47.41.080	Agreements with United States secretary of transportation.
47.41.900	Severability--1971 ex.s. c 101.

Notes:

Vehicle wreckers: Chapter 46.80 RCW.

RCW 47.41.010 Legislative declaration--Purpose.

Applicable Cases

For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and federal-aid primary systems within this state. The legislature hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances.

[1971 ex.s. c 101 § 1.]

RCW 47.41.020 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

(1) "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" means any establishment or place of business that is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard, and the term includes garbage dumps and sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated or as may hereafter be so designated by the department and approved by the United States secretary of transportation under Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the department and approved by the United States secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "Department" means the Washington state department of transportation.

[1984 c 7 § 216; 1971 ex.s. c 101 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.030 Junkyards adjacent to highways prohibited--Exceptions.

Applicable Cases

No person may establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

- (1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight;
- (2) Those located within areas which are zoned for industrial use under authority of law;
- (3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by rules adopted by the department and approved by the United States secretary of transportation; and
- (4) Those which are not visible from the main-traveled way of the system.

[1984 c 7 § 217; 1971 ex.s. c 101 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.040 Screening or removal of junkyard.

Applicable Cases

Before July 1, 1971, the department shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined under RCW 47.41.030 on August 9, 1971, that is within one thousand feet of the nearest edge of the right of way and visible from the main traveled way of any highway on the interstate and primary system and whether screening of the junkyard would be economically feasible. Within thirty days thereafter the department shall notify by certified mail the record owner of the land upon which the junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen the junkyard, the department shall screen the junkyard so that it will not be visible from the main-traveled way of the highway. The department is authorized to acquire by gift, purchase, exchange, or condemnation such lands or interest in lands as may be required for these purposes.

If it is not economically feasible to screen the junkyard, the department shall acquire by purchase, gift, or condemnation an interest in the real property used for junkyard purposes that is visible from the main traveled way of the highway, restricting any owner of the remaining interest to use of the real estate for purposes other than a junkyard. In addition to compensation for the real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated, and maintained. This section shall be interpreted as being in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent

domain.

[1984 c 7 § 218; 1971 ex.s. c 101 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.050 Administrative rules--Review of action.

Applicable Cases

The department shall adopt rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the United States secretary of transportation. Proceedings for review of any action taken by the department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

[1984 c 7 § 219; 1971 ex.s. c 101 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.060 Other laws not affected.

Applicable Cases

Nothing in this chapter shall be construed to permit a person to maintain any junkyard that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town, nor to abrogate or affect the lawful provisions of any statute, ordinance, regulation, or resolution which are more restrictive than the provisions of this chapter.

[1971 ex.s. c 101 § 6.]

RCW 47.41.070 Violations--Penalty--Abatement as public nuisance.

Applicable Cases

If the owner of the land upon which any such junkyard is located, or the operator thereof, as the case may be, fails to comply with the notice or remove any such junk within the time provided in this chapter after being so notified, he is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this chapter. Each day the junkyard is maintained in a manner so as not to comply with this chapter constitutes a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as provided in this chapter. If the notice is not complied with, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for doing so.

[1984 c 7 § 220; 1971 ex.s. c 101 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.080 Agreements with United States secretary of transportation.

Applicable Cases

The department is authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of the agreement.

[1984 c 7 § 221; 1971 ex.s. c 101 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.41.900 Severability--1971 ex.s. c 101.

Applicable Cases

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

[1971 ex.s. c 101 § 9.]

**Chapter 47.42 RCW
HIGHWAY ADVERTISING CONTROL ACT--SCENIC VISTAS ACT**

RCW

47.42.010	Declaration of purpose.
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47.42.910	Short title--1961 c 96.
47.42.911	Short title--1971 ex.s. c 62.
47.42.920	Federal requirements--Conflict and accord.

RCW 47.42.010 Declaration of purpose.

Applicable Cases

The control of signs in areas adjacent to state highways of this state is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively.

[1961 c 96 § 1.]

RCW 47.42.020 Definitions.

Applicable Cases

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion

thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

[1993 c 430 § 10; 1991 c 94 § 1; 1990 c 258 § 1; 1987 c 469 § 2; 1985 c 376 § 2; 1984 c 7 § 222; 1977 ex.s. c 258 § 1; 1974 ex.s. c 80 § 1; 1971 ex.s. c 62 § 1; 1961 c 96 § 2.]

Notes:

Legislative findings and intent--1990 c 258: See note following RCW 47.40.100.

Legislative intent--1985 c 376: "It is the intent of the legislature that state highway information and directional signs provide appropriate guidance to all motorists traveling throughout the state. Such guidance should include the identity, location, and types of recreational, cultural, educational, entertainment, or unique or unusual commercial activities whose principle source of visitation is derived from motorists not residing in the immediate locale of the activity. Such informational and directional signs shall comply with Title 23, United States Code and the rules adopted by the department under RCW 47.42.060." [1985 c 376 § 1.]

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.025 Exclusions from scenic system.

Applicable Cases

The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of RCW 47.42.020:

- (1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.
- (2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.
- (3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.
- (4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.
- (5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.
- (6) Beginning on state route number 14 one-half mile west of the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen.

[1971 ex.s. c 62 § 2.]

RCW 47.42.030 Signs visible from interstate, primary, or scenic systems restricted.

Applicable Cases

Except as permitted under this chapter, no person shall erect or maintain a sign which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained.

[1971 ex.s. c 62 § 3; 1961 c 96 § 3.]

RCW 47.42.040 Permissible signs classified.

Applicable Cases

It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

- (1) Directional or other official signs or notices that are required or authorized by law;
- (2) Signs advertising the sale or lease of the property upon which they are located;
- (3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: PROVIDED, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(6) Signs lawfully in existence on October 22, 1965, determined by the commission, subject to the approval of the United States secretary of transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of chapter 47.42 RCW;

(7) Public service signs, located on school bus stop shelters, which:

(a) Identify the donor, sponsor, or contributor of said shelters;

(b) Contain safety slogans or messages which occupy not less than sixty percent of the area of the sign;

(c) Contain no other message;

(d) Are located on school bus shelters which are authorized or approved by city, county, or state law, regulation, or ordinance, and at places approved by the city, county, or state agency controlling the highway involved; and

(e) Do not exceed thirty-two square feet in area. Not more than one sign on each shelter may face in any one direction.

Subsection (7) of this section notwithstanding, the department of transportation shall adopt regulations relating to the appearance of school bus shelters, the placement, size, and public service content of public service signs located thereon, and the prominence of the identification of the donors, sponsors, or contributors of the shelters.

(8) Temporary agricultural directional signs, with the following restrictions:

(a) Signs shall be posted only during the period of time the seasonal agricultural product is being sold;

(b) Signs shall not be placed adjacent to the interstate highway system unless the sign qualifies as an on-premise sign;

(c) Signs shall not be placed within an incorporated city or town;

(d) Premises on which the seasonal agricultural products are sold must be within fifteen miles of the state highway, and necessary supplemental signing on local roads must be provided

before the installation of the signs on the state highway;

(e) Signs must be located so as not to restrict sight distances on approaches to intersections;

(f) The department shall establish a permit system and fee schedule and rules for the manufacturing, installation, and maintenance of these signs in accordance with the policy of this chapter;

(g) Signs in violation of these provisions shall be removed in accordance with the procedures in RCW 47.42.080;

Only signs of types 1, 2, 3, 7, and 8 may be erected or maintained within view of the scenic system. Signs of types 7 and 8 may also be erected or maintained within view of the federal aid primary system.

[1991 c 94 § 2; 1990 c 258 § 2; 1985 c 376 § 3; 1979 c 69 § 1; 1975 1st ex.s. c 271 § 1; 1971 ex.s. c 62 § 4; 1961 c 96 § 4.]

Notes:

Legislative findings and intent--1990 c 258: See note following RCW 47.40.100.

Legislative intent--1985 c 376: See note following RCW 47.42.020.

RCW 47.42.045 Number of signs--Spacing--Tourist facility, business or agricultural signs.

Applicable Cases

(1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) In addition to signs permitted by subsections (1) and (2) of this section, the commission may adopt regulations permitting one type 3 sign visible to traffic proceeding in any one direction on an interstate, primary or scenic system highway on premises which, on June 25, 1976, are used wholly or in part as an operating business, farm, ranch or orchard which sign bears only the name of the business, farm, ranch or orchard and a directional arrow or short directional message. Regulations adopted under this subsection shall prohibit the erection or maintenance of such type 3 signs on narrow strips of land a substantial distance from but connected with a business, farm, ranch or orchard. Signs permitted under this subsection shall

not exceed fifty square feet in area.

(4) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways.

[1975-'76 2nd ex.s. c 55 § 2; 1974 ex.s. c 154 § 1; 1974 ex.s. c 138 § 1; 1971 ex.s. c 62 § 5.]

RCW 47.42.048 State and local prohibitions.

Applicable Cases

Nothing in this chapter shall be construed to permit a person to erect or maintain a sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city or town of the state of Washington.

[1974 ex.s. c 80 § 3.]

RCW 47.42.050 Information signs by governmental units.

Applicable Cases

Information signs may be erected and maintained by the state, any county, city, or town.

[1961 c 96 § 5.]

RCW 47.42.055 Roadside area information panels or displays.

Applicable Cases

The department is authorized to erect roadside area information panels or displays adjacent to the state highway system within this state. The department may contract with private persons for the erection and operation of the information panels or displays. Compensation to the contractors shall be derived solely from the reasonable fees that the contractors will be permitted to charge participating businesses for making and exhibiting business signs and displays and for rendering services to tourists.

[1985 c 376 § 5; 1984 c 7 § 225; 1977 ex.s. c 258 § 2.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.060 Rules for signs visible from interstate and scenic systems--Judicial review.

Applicable Cases

The department shall adopt rules for the erection and maintenance of signs that are visible from the main traveled way of the interstate system and the scenic system and that are permitted by this chapter and other rules for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary of commerce or the secretary

of transportation. Proceedings for review of any action taken by the department pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county.

[1984 c 7 § 226; 1971 ex.s. c 62 § 6; 1961 c 96 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.062 Signs visible from primary system in commercial and industrial areas--Requirements, restrictions, and prohibitions.

Applicable Cases

Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas and whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: PROVIDED, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal, or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: PROVIDED, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back, or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area, or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign

structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state.

[1975 1st ex.s. c 271 § 3; 1974 ex.s. c 154 § 2; 1974 ex.s. c 138 § 2; 1971 ex.s. c 62 § 7.]

RCW 47.42.063 Signs visible from primary system in commercial and industrial areas--Preexisting signs--Permissible signs--Spacing.

Applicable Cases

(1) Signs within six hundred and sixty feet of the nearest edge of the right of way lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs within six hundred and sixty feet of the nearest edge of the right of way which are visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in RCW 47.42.062 may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs.

[1975 1st ex.s. c 271 § 4; 1971 ex.s. c 62 § 8.]

RCW 47.42.065 Signs viewable from other highways or streets--Requirements.

Applicable Cases

Notwithstanding any other provision of chapter 47.42 RCW, signs may be erected and maintained more than six hundred and sixty feet from the nearest edge of the right of way which are visible from the main traveled way of the interstate system, primary system, or scenic system when designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of which may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system.

[1975 1st ex.s. c 271 § 5; 1971 ex.s. c 62 § 9.]

RCW 47.42.070 State and local prohibitions.

Applicable Cases

Nothing in this chapter shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington.

[1961 c 96 § 7.]

RCW 47.42.080 Public nuisance--Abatement--Penalty.

Applicable Cases

(1) Any sign erected or maintained contrary to the provisions of this chapter or rules adopted hereunder that is designed to be viewed from the interstate system, the primary system, or the scenic system is a public nuisance, and the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by certified mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, fails to comply with the chapter or remove any such sign within fifteen days after being notified to remove the sign he is guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling removal of the sign. Each day the sign is maintained constitutes a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, is not found or refuses receipt of the notice, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the department, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for doing so.

(4) Nothing in this section may be construed to affect the provisions contained in RCW 47.42.102 requiring the payment of compensation upon the removal of any signs compensable under state law.

(5) Any sign erected or maintained on state highway right of way contrary to this chapter or rules adopted under it is a public nuisance, and the department is authorized to remove any such sign without notice.

[1985 c 376 § 6; 1984 c 7 § 227; 1975-'76 2nd ex.s. c 55 § 1; 1971 ex.s. c 62 § 10; 1961 c 96 § 8.]

Notes:

Legislative intent--1985 c 376: See note following RCW 47.42.020.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.090 Revocation of permit.

Applicable Cases

If any person is convicted of a violation of this chapter, or any rule adopted hereunder, the department may revoke any permit issued to that person under this chapter.

[1984 c 7 § 228; 1961 c 96 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.100 Preexisting signs--Moratorium.

Applicable Cases

(1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any

person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. Signs located in areas zoned by the governing county for predominantly commercial or industrial uses, that do not have development visible to the highway, as determined by the department, and that were lawfully installed after May 10, 1971, visible to any highway now or hereafter designated by the legislature as part of the scenic system, shall be allowed to be maintained.

[1993 c 430 § 11; 1974 ex.s. c 154 § 3; 1974 ex.s. c 138 § 3; 1971 ex.s. c 62 § 11; 1963 ex.s. c 3 § 55; 1961 c 96 § 10.]

RCW 47.42.102 Compensation for removal of signs--Authorized--Applicability.

Applicable Cases

(1) Except as otherwise provided in subsection (3) of this section, just compensation shall be paid upon the removal of any sign (pursuant to the provisions of chapter 47.42 RCW), lawfully erected under state law, which is visible from the main traveled way of the interstate system or the primary system.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971.

[1975 1st ex.s. c 271 § 2; 1971 ex.s. c 62 § 12.]

RCW 47.42.103 Compensation for removal--Action determining amount--Payment--State's share.

Applicable Cases

(1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the department may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the department may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of the sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of

obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) If compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon, the department may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund.

[1984 c 7 § 229; 1971 ex.s. c 62 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.104 Compensation for removal--Federal share--Acceptance.

Applicable Cases

The department may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The department shall take such steps as may be necessary from time to time to obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of section 131 and RCW 47.42.102, 47.42.103, and 47.42.104.

[1984 c 7 § 230; 1971 ex.s. c 62 § 14.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.105 Unavailability of federal share.

Applicable Cases

No sign, display, or device shall be required to be removed if the federal share of the just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment.

[1971 ex.s. c 62 § 15.]

RCW 47.42.107 Compensation for removal under local authority.

Applicable Cases

(1) Just compensation shall be paid upon the removal of any existing sign pursuant to the provisions of any resolution or ordinance of any county, city, or town of the state of Washington by such county, city, or town if:

(a) Such sign was lawfully in existence on May 10, 1971 (the effective date of the Scenic

Vistas Act of 1971); or

(b) Such sign was erected subsequent to May 10, 1971 (the effective date of the Scenic Vistas Act of 1971), in compliance with existing state and local law.

(2) Such compensation shall be paid in the same manner as specified in RCW 47.42.102(2) for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

[1977 ex.s. c 141 § 1.]

Notes:

Severability--1977 ex.s. c 141: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 141 § 2.]

RCW 47.42.110 Agreements for federal aid.

Applicable Cases

The department is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342.

[1984 c 7 § 231; 1971 ex.s. c 62 § 16; 1961 c 96 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.120 Permits--Fees--Renewal--Permissible acts--Revocation.

Applicable Cases

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs that advertise activities conducted upon the properties where the signs are located, may be erected or maintained without a permit issued by the department. Application for a permit shall be made to the department on forms furnished by it. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto. The application shall be accompanied by a fee established by department rule to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the remainder of the calendar year in which they are issued, and accompanying fees shall not be prorated for fractions of the year. Permits must be renewed annually through a certification process established by department rule. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing is effective only upon receipt of written

notice of assignment by the department. A permit may be revoked after hearing if the department finds that any statement made in the application or annual certification process was false or misleading, or that the sign covered is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, if the false or misleading information has not been corrected and the sign has not been brought into compliance with this chapter or rules adopted under it within thirty days after written notification.

[1999 c 276 § 1; 1984 c 7 § 232; 1971 ex.s. c 62 § 17; 1961 c 96 § 12.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.130 Permit identification number.

Applicable Cases

Every permit issued by the department shall be assigned a separate identification number, and each permittee shall fasten to each sign a weatherproof label, not larger than sixteen square inches, that shall be furnished by the department and on which shall be plainly visible the permit number. The permittee shall also place his or her name in a conspicuous position on the front or back of each sign. The failure of a sign to have such a label affixed to it is prima facie evidence that it is not in compliance with the provisions of this chapter.

[1999 c 276 § 2; 1984 c 7 § 233; 1961 c 96 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.42.140 Scenic areas designated.

Applicable Cases

The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with West Lake Sammamish parkway in the vicinity of Issaquah, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 970 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 970 at Virden,

thence via Blewett pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 106 beginning at the junction with state route number 101 in the vicinity of Union, thence northeasterly to the junction with state route number 3 in the vicinity of Belfair.

(8) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(9) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(10) State route number 206, Mt. Spokane Park Drive, beginning at the junction with state route number 2 near the north line section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park.

(11) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(12) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of Chinook pass to a junction of state route number 12 and state route number 410.

(13) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park.

(14) State route number 970 beginning at a junction with state route number 90 in the vicinity of Cle Elum thence via Teanaway to a junction with state route number 97 in the vicinity of Virden.

[1993 c 430 § 12; 1992 c 26 § 3; 1975 c 63 § 9; 1974 ex.s. c 138 § 4. Prior: 1971 ex.s. c 73 § 28; 1971 ex.s. c 62 § 18; 1961 c 96 § 14. Cf. 1974 ex.s. c 154 § 4.]

RCW 47.42.900 Severability--1961 c 96.

Applicable Cases

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

[1961 c 96 § 16.]

RCW 47.42.901 Severability--1963 ex.s. c 3.

Applicable Cases

If any provision of *section 55 of this amendatory act shall be held to be invalid or shall be held to invalidate any provision of chapter 96, Laws of 1961 (chapter 47.42 RCW), then that provision of this amendatory act shall be of no force and effect and the provisions of chapter 96, Laws of 1961 (chapter 47.42 RCW) shall continue in effect.

[1963 ex.s. c 3 § 56.]

Notes:

***Reviser's note:** The reference to "section 55 of this amendatory act" is to the 1963 amendment of RCW 47.42.100.

RCW 47.42.902 Severability--1971 ex.s. c 62.

Applicable Cases

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

[1971 ex.s. c 62 § 20.]

RCW 47.42.910 Short title--1961 c 96.

Applicable Cases

This chapter shall be known and may be cited as the highway advertising control act of 1961.

[1961 c 96 § 17.]

RCW 47.42.911 Short title--1971 ex.s. c 62.

Applicable Cases

This chapter may be cited as the "Scenic Vistas Act."

[1999 c 276 § 3; 1971 ex.s. c 62 § 19.]

RCW 47.42.920 Federal requirements--Conflict and accord.

Applicable Cases

If the secretary of the United States department of transportation finds any part of this chapter to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned. The rules under this chapter shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

[1985 c 142 § 4.]

**Chapter 47.44 RCW
FRANCHISES ON STATE HIGHWAYS**

RCW

47.44.010 Wire and pipe line and tram and railway franchises--Application--Rules on hearing and notice.

47.44.020 Grant of franchise--Conditions--Hearing.

47.44.030	Removal of facilities--Notice--Reimbursement, when.
47.44.031	Removal of facilities--Limitation.
47.44.040	Franchises across joint bridges.
47.44.050	Permit for short distances.
47.44.060	Penalties.
47.44.070	Franchises to use toll facility property.
47.44.150	Measure of damages.

RCW 47.44.010 Wire and pipe line and tram and railway franchises--Application--Rules on hearing and notice.

Applicable Cases

The department of transportation may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas, oil or coal pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the department of transportation, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. The department of transportation shall adopt rules providing for a hearing or an opportunity for a hearing with reasonable public notice thereof with respect to any franchise application involving the construction and maintenance of utilities or other facilities within the highway right of way which the department determines may (1) during construction, significantly disrupt the flow of traffic or use of driveways or other facilities within the right of way, or (2) during or following construction, cause a significant and adverse effect upon the surrounding environment.

[1980 c 28 § 1; 1975 1st ex.s. c 46 § 1; 1967 c 108 § 7; 1963 c 70 § 1; 1961 ex.s. c 21 § 26; 1961 c 13 § 47.44.010. Prior: 1943 c 265 § 2; 1937 c 53 § 83; Rem. Supp. 1943 § 6400-83.]

Notes:

Urban public transportation system defined: RCW 47.04.082.

RCW 47.44.020 Grant of franchise--Conditions--Hearing.

Applicable Cases

If the department of transportation deems it to be for the public interest, the franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as the department may prescribe, with or without compensation, but not in excess of the reasonable cost for investigating, handling, and granting the franchise. The department may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

If a hearing is held, it shall be conducted by the department, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise may be granted for a longer period than fifty years, and no exclusive franchise or privilege may be granted.

[1980 c 28 § 2; 1975 1st ex.s. c 46 § 2; 1961 c 13 § 47.44.020. Prior: 1959 c 330 § 1; 1937 c 53 § 84; RRS § 6400-84.]

RCW 47.44.030 Removal of facilities--Notice--Reimbursement, when.

Applicable Cases

If the department deems it necessary that a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, it shall give notice to the franchise holder to remove the facility at his or her expense and as the department orders. However, notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the department shall pay or reimburse the owner for relocation or removal of any publicly, privately, or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation, or improvement of a highway that is part of the national system of interstate and defense highways for each item of cost for which the state is entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123 of the federal aid highway act of 1958 and any other subsequent act of congress under which the state is entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on the national system of interstate and defense highways.

[1984 c 7 § 234; 1961 c 13 § 47.44.030. Prior: 1959 c 330 § 2; 1937 c 53 § 85; RRS § 6400-85.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.44.031 Removal of facilities--Limitation.

Applicable Cases

The provisions of RCW 47.44.030 authorizing the department to pay or reimburse the owner of a utility apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the department after June 30, 1959.

[1984 c 7 § 235; 1961 c 13 § 47.44.031. Prior: 1959 c 330 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.44.040 Franchises across joint bridges.

Applicable Cases

Whenever any bridge exists on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp, or other topographical formation constituting the boundary of this state or the boundary of a county, city, or town of this state and the bridge is owned or operated by this state jointly with any such county, city, or town, or with any municipal corporation of this state, or with such other state or with any county, city, or town of such other state, the department is empowered to join with the proper officials of the county, city, or town, or the municipal corporation of this state or of such other state or of such county, city, or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance on the bridge of water pipes, flumes, gas pipes, telephone, telegraph, and electric light and power lines and conduits, trams and railways, and any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from the franchises shall be paid to the state treasurer and deposited to the credit of the fund from which this state's share of the cost of joint operation of the bridge is paid.

[1984 c 7 § 236; 1967 c 108 § 8; 1961 c 13 § 47.44.040. Prior: 1937 c 53 § 86; RRS § 6400-86.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.44.050 Permit for short distances.

Applicable Cases

The department is empowered to grant a permit to construct or maintain on, over, across, or along any state highway any water, gas, telephone, telegraph, light, power, or other such facilities when they do not extend along the state highway for a distance greater than three hundred feet. The department may require such information as it deems necessary in the application for any such permit, and may grant or withhold the permit within its discretion. Any permit granted may be canceled at any time, and any facilities remaining upon the right of way of the state highway after thirty days written notice of the cancellation is [are] an unlawful obstruction and may be removed in the manner provided by law.

[1984 c 7 § 237; 1961 c 13 § 47.44.050. Prior: 1943 c 265 § 3; 1937 c 53 § 87; Rem. Supp. 1943 § 6400-87.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.44.060 Penalties.

Applicable Cases

(1) Any person, firm, or corporation who constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light, or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law is guilty of a misdemeanor. Each day of violation is a separate and distinct offense.

(2) Any person, firm, or corporation who constructs or maintains on, over, across, or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law is liable for a civil penalty of one hundred dollars per calendar day beginning forty-five days from the date notice is given and until application is made for a franchise or permit or until the facility is removed as required by notice. The state shall give notice by certified mail that a franchise or permit is required or the facility must be removed and shall include in the notice sufficient information to identify the portion of right of way in question. Notice is effective upon delivery.

(3) If a person, firm or corporation does not apply for a permit or franchise within forty-five days of notice given in accordance with subsection (2) of this section or the state determines that the facility constructed or maintained without a permit or franchise would not be granted a permit or franchise, the state may order the facility to be removed within such time period as the state may specify. If the facility is not removed, the state, in addition to any other remedy, may remove the facility at the expense of the owner.

[1989 c 224 § 1; 1961 c 13 § 47.44.060. Prior: 1943 c 265 § 1; 1937 c 53 § 82; Rem. Supp. 1943 § 6400-82.]

RCW 47.44.070 Franchises to use toll facility property.

Applicable Cases

See RCW 47.56.256.

RCW 47.44.150 Measure of damages.

Applicable Cases

In any action for damages against the state of Washington, its agents, contractors, or employees by reason of damages to a utility or other facility located on a state highway, the damages are limited to the cost of repair of the utility or facility and are recoverable only in those instances where the utility or facility is authorized to be located on the state highway. However, the state is subject to the penalties provided in RCW 19.122.070 (1) and (2) only if the state has failed to give a notice meeting the requirements of RCW 19.122.030 to utilities or facilities that are authorized to be located on the state highway.

[1989 c 196 § 1.]

**Chapter 47.46 RCW
PUBLIC-PRIVATE TRANSPORTATION INITIATIVES**

RCW	
47.46.010	Finding.
47.46.020	Definition.
47.46.030	Demonstration projects--Selection--Public involvement.
47.46.040	Demonstration projects--Terms of agreements--Public participation.
47.46.050	Financial arrangements.
47.46.060	Deferral of taxes--Application--Repayment.
47.46.900	Effective date--1993 c 370.

RCW 47.46.010 Finding.

Applicable Cases

The legislature finds and declares:

It is essential for the economic, social, and environmental well-being of the state and the maintenance of a high quality of life that the people of the state have an efficient transportation system.

The ability of the state to provide an efficient transportation system will be enhanced by a public-private sector program providing for private entities to undertake all or a portion of the study, planning, design, development, financing, acquisition, installation, construction or improvement, operation, and maintenance of transportation systems and facility projects.

A public-private initiatives program will provide benefits to both the public and private sectors. Public-private initiatives provide a sound economic investment opportunity for the private sector. Such initiatives will provide the state with increased access to property development and project opportunities, financial and development expertise, and will supplement state transportation revenues, allowing the state to use its limited resources for other needed projects.

The public-private initiatives program, to the fullest extent possible, should encourage and promote business and employment opportunities for Washington state citizens.

The public-private initiatives program shall be implemented in cooperation, consultation, and with the support of the affected communities and local jurisdictions.

The secretary of transportation should be permitted and encouraged to test the feasibility of building privately funded transportation systems and facilities or segments thereof through the use of innovative agreements with the private sector. The secretary of transportation should be vested with the authority to solicit, evaluate, negotiate, and administer public-private agreements with the private sector relating to the planning, construction, upgrading, or reconstruction of transportation systems and facilities.

Agreements negotiated under a public-private initiatives program will not bestow on private entities an immediate right to construct and operate the proposed transportation facilities. Rather, agreements will grant to private entities the opportunity to design the proposed facilities, demonstrate public support for proposed facilities, and complete the planning processes required in order to obtain a future decision by the department of transportation and other state and local lead agencies on whether the facilities should be permitted and built.

Agreements negotiated under the public-private initiatives program should establish the conditions under which the private developer may secure the approval necessary to develop and

operate the proposed transportation facilities; create a framework to attract the private capital necessary to finance their development; ensure that the transportation facilities will be designed, constructed, and operated in accordance with applicable local, regional, state, and federal laws and the applicable standards and policies of the department of transportation; and require a demonstration that the proposed transportation facility has the support of the affected communities and local jurisdictions.

The legislature finds that the Puget Sound congestion pricing project, selected under this chapter, raises major transportation policy, economic, and equity concerns. These relate to the integrity of the state's high-occupancy vehicle program; the cost-effective movement of freight and goods; the diversion of traffic to local streets and arterials; and possible financial hardship to commuters. The legislature further finds that these potential economic and social impacts require comprehensive legislative review prior to advancement of the project and directs that the secretary not proceed with the implementation of the project without prior approval of the legislature.

The department of transportation should be encouraged to take advantage of new opportunities provided by federal legislation under section 1012 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). That section establishes a new program authorizing federal participation in construction or improvement or improvement of publicly or privately owned toll roads, bridges, and tunnels, and allows states to leverage available federal funds as a means for attracting private sector capital.

[1995 2nd sp.s. c 19 § 1; 1993 c 370 § 1.]

Notes:

Effective date--1995 2nd sp.s. c 19: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 16, 1995]." [1995 2nd sp.s. c 19 § 5.]

RCW 47.46.020 Definition.

Applicable Cases

As used in this chapter, "transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

[1993 c 370 § 2.]

RCW 47.46.030 Demonstration projects--Selection--Public involvement.

Applicable Cases

(1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part private sources of

financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.

The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.

The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.

Projects that meet the minimum criteria established under this section and the requirements of the public involvement plan developed by the department and approved by the legislature shall be submitted to the Washington state transportation commission for its review. The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration. Forty-five days after the submission to the legislative transportation committee of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

(3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in *subsections (11) and (12) of this section, the department shall require an advisory vote as provided under subsections (5) through (10) of this section.

(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections (12)

and (13) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.

(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.

(6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.

(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a state-wide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.

(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the

local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.

(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.

(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.

(7) The department shall conduct a minimum thirty-day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

(8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.

(9) The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.

(10) Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held

under this section.

(11) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.

(12) Subsections (5) through (10) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.

(13) Subsections (5) through (10) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.

[1996 c 280 § 1; 1995 2nd sp.s. c 19 § 2; 1993 c 370 § 3.]

Notes:

***Reviser's note:** Subsections (12) and (13) of this section, not (11) and (12), contain exceptions for project proposals selected before September 1, 1994, or after June 30, 1997.

Effective date--1996 c 280: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 29, 1996]." [1996 c 280 § 2.]

Effective date--1995 2nd sp.s. c 19: See note following RCW 47.46.010.

RCW 47.46.040 Demonstration projects--Terms of agreements--Public participation.

Applicable Cases

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter.

Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain

liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of *RCW 47.46.030(5)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports on the status of the public

involvement process including the results of an advisory vote, if any occurs.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

[1995 2nd sp.s. c 19 § 3; 1993 c 370 § 4.]

Notes:

***Reviser's note:** RCW 47.46.030 was amended by 1996 c 280 § 1, changing subsection (5)(b)(ii) and (iii) to subsection (6)(b)(ii) and (iii).

Effective date--1995 2nd sp.s. c 19: See note following RCW 47.46.010.

RCW 47.46.050 Financial arrangements.

Applicable Cases

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

[1995 2nd sp.s. c 19 § 4; 1993 c 370 § 5.]

Notes:

Effective date--1995 2nd sp.s. c 19: See note following RCW 47.46.010.

RCW 47.46.060 Deferral of taxes--Application--Repayment.

Applicable Cases

(1) A private entity that is party to an agreement under this chapter may apply for deferral of taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment which will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project under this chapter. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the project. The use of the certificate shall be governed by rules established by the department of revenue.

(3) A private entity granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of a private entity granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the private entity.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

[1998 c 179 § 4.]

Notes:

Finding--1998 c 179: See note following RCW 35.21.718.

RCW 47.46.900 Effective date--1993 c 370.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 370 § 7.]

Chapter 47.48 RCW
CLOSING HIGHWAYS AND RESTRICTING TRAFFIC

RCW

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|-----------|--|
| 47.48.010 | Closure or restriction authorized--Restriction for urban public transportation system use. |
| 47.48.020 | Notice of closure or restriction--Emergency closure. |
| 47.48.031 | Emergency closures by state patrol. |
| 47.48.040 | Penalty. |
| 47.48.050 | Transportation of radioactive or hazardous cargo--Definition--Violation, penalty. |

Notes:

Closure of Camas slough: RCW 88.28.055.

RCW 47.48.010 Closure or restriction authorized--Restriction for urban public transportation system use.

Applicable Cases

Whenever the condition of any state highway, county road, or city street, either newly or previously constructed, altered, repaired, or improved, or any part thereof is such that for any reason its unrestricted use or continued use by vehicles or by any class of vehicles will greatly damage that state highway, county road, or city street, or will be dangerous to traffic, or it is being constructed, altered, repaired, improved, or maintained in such a manner as to require that use of the state highway, county road, or city street, or any portion thereof be closed or restricted as to all vehicles or any class of vehicles for any period of time, the secretary, if it is a state highway, the county legislative authority, if it is a county road, or the governing body of any city or town, if it is a city street, is authorized to close the state highway, county road, or city street, as the case may be, to travel by all vehicles or by any class of vehicles, or may declare a lower maximum speed for any class of vehicles, for such a definite period as it shall determine. Nothing in the law of this state prevents the secretary, county legislative authority, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, vehicle combinations, or tire equipment for the purposes of this section, or from restricting the use of any portion of any state highway, county road, or city street, as the case may be, to its use by an urban public transportation system.

[1984 c 7 § 238; 1977 ex.s. c 216 § 1; 1967 c 108 § 9; 1961 c 13 § 47.48.010. Prior: 1937 c 53 § 65; RRS § 6400-65; prior: 1929 c 214 § 1; 1927 c 232 § 1; 1921 c 21 § 1; RRS § 6839.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.
Restrictions on public highways to prevent damage: RCW 46.44.080.
Urban public transportation system defined: RCW 47.04.082.

RCW 47.48.020 Notice of closure or restriction--Emergency closure.

Applicable Cases

Before any state highway, county road, or city street is closed to, or the maximum speed limit thereon reduced for, all vehicles or any class of vehicles, a notice thereof including the effective date shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway, county road, or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the state highway, county road, or city street or portion thereof to be closed or restricted: PROVIDED, That no such state highway, county road, or city street or portion thereof may be closed sooner than three days after the publication and the posting of the notice herein provided for: PROVIDED, HOWEVER, That in cases of emergency or conditions in which the maximum time the closure will be in effect is twelve hours or less the proper officers may, without publication or delay, close state highways, county roads, and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases or conditions in which the maximum time the closure will be in effect is twelve hours or less, as herein provided, the orders of the proper authorities shall be immediately effective.

[1982 c 145 § 5; 1977 ex.s. c 216 § 2; 1961 c 13 § 47.48.020. Prior: 1937 c 53 § 66, part; RRS § 6400-66, part; prior: 1921 c 21 § 2, part; RRS § 6840, part. Formerly RCW 47.48.020 and 47.48.030.]

RCW 47.48.031 Emergency closures by state patrol.

Applicable Cases

(1) Whenever the chief or another officer of the state patrol determines on the basis of a traffic investigation that an emergency exists or less than safe road conditions exist due to human-caused or natural disasters or extreme weather conditions upon any state highway, or any part thereof, state patrol officers may determine and declare closures and temporarily reroute traffic from any such affected highway.

(2) Any alteration of vehicular traffic on any state highway due to closure in emergency conditions is effective until such alteration has been approved or altered by the secretary of transportation or other department of transportation authorities in their local respective jurisdictions.

(3) All state highway closures by officers of the state patrol shall be immediately reported to the secretary of transportation and to other authorities in their local jurisdictions.

[1981 c 197 § 1.]

RCW 47.48.040 Penalty.

Applicable Cases

When any state highway, county road, or city street or portion thereof shall have been closed, or when the maximum speed limit thereon shall have been reduced, for all vehicles or any

class of vehicles, as by law provided, any person, firm or corporation disregarding such closing or reduced speed limit shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing or reduced speed limit.

[1977 ex.s. c 216 § 3; 1961 c 13 § 47.48.040. Prior: 1937 c 53 § 67; RRS § 6400-67; prior: 1921 c 21 § 3; RRS § 6841.]

RCW 47.48.050 Transportation of radioactive or hazardous cargo--Definition--Violation, penalty.

Applicable Cases

The chief or other officer of the Washington state patrol may prohibit the transportation of placarded radioactive or hazardous cargo over the highways of the state, or a portion thereof, if weather or other conditions create a substantial risk to public safety. For the purposes of this section hazardous cargo shall mean hazardous materials as defined in RCW 70.136.020(1). Violation of an order issued under this section constitutes a misdemeanor.

[1983 c 205 § 1.]

Notes:

Regulations on notice of prohibition on radioactive or hazardous cargo: RCW 47.01.270.

**Chapter 47.50 RCW
HIGHWAY ACCESS MANAGEMENT**

RCW

47.50.010	Findings--Access.
47.50.020	Definitions--Access.
47.50.030	Regulating connections.
47.50.040	Access permits.
47.50.050	Permit fee.
47.50.060	Permit review process.
47.50.070	Permit conditions.
47.50.080	Permit removal.
47.50.090	Access management standards.

RCW 47.50.010 Findings--Access.

Applicable Cases

(1) The legislature finds that:

(a) Regulation of access to the state highway system is necessary in order to protect the public health, safety, and welfare, to preserve the functional integrity of the state highway system, and to promote the safe and efficient movement of people and goods within the state;

(b) The development of an access management program, in accordance with this chapter, which coordinates land use planning decisions by local governments and investments in the state

highway system, will serve to control the proliferation of connections and other access approaches to and from the state highway system. Without such a program, the health, safety, and welfare of the residents of this state are at risk, due to the fact that uncontrolled access to the state highway system is a significant contributing factor to the congestion and functional deterioration of the system; and

(c) The development of an access management program in accordance with this chapter will enhance the development of an effective transportation system and increase the traffic-carrying capacity of the state highway system and thereby reduce the incidences of traffic accidents, personal injury, and property damage or loss; mitigate environmental degradation; promote sound economic growth and the growth management goals of the state; reduce highway maintenance costs and the necessity for costly traffic operations measures; lengthen the effective life of transportation facilities in the state, thus preserving the public investment in such facilities; and shorten response time for emergency vehicles.

(2) In furtherance of these findings, all state highways are hereby declared to be controlled access facilities as defined in RCW 47.50.020, except those highways that are defined as limited access facilities in chapter 47.52 RCW.

(3) It is the policy of the legislature that:

(a) The access rights of an owner of property abutting the state highway system are subordinate to the public's right and interest in a safe and efficient highway system; and

(b) Every owner of property which abuts a state highway has a right to reasonable access to that highway, unless such access has been acquired pursuant to chapter 47.52 RCW, but may not have the right of a particular means of access. The right of access to the state highway may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

(4) The legislature declares that it is the purpose of this chapter to provide a coordinated planning process for the permitting of access points on the state highway system to effectuate the findings and policies under this section.

(5) Nothing in this chapter shall affect the right to full compensation under section 16, Article I of the state Constitution.

[1991 c 202 § 1.]

Notes:

Captions not law--1991 c 202: "Section captions and part headings as used in this act do not constitute any part of the law." [1991 c 202 § 22.] This act consists of chapter 47.50 RCW and RCW 70.94.521 through 70.94.551.

Effective date--1991 c 202: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 202 § 24.]

Severability--1991 c 202: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1991 c 202 § 25.]

RCW 47.50.020 Definitions--Access.

Applicable Cases

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled access facility" means a transportation facility to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity.

(2) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(3) "Permitting authority" means the department for connections in unincorporated areas or a city or town within incorporated areas which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW.

[1991 c 202 § 2.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.030 Regulating connections.

Applicable Cases

(1) Vehicular access and connections to or from the state highway system shall be regulated by the permitting authority in accordance with the provisions of this chapter in order to protect the public health, safety, and welfare.

(2) The department shall by July 1, 1992, adopt administrative procedures pursuant to chapter 34.05 RCW which establish state highway access standards and rules for its issuance and modification of access permits, closing of unpermitted connections, revocation of permits, and waiver provisions in accordance with this chapter. The department shall consult with the association of Washington cities and obtain concurrence of the city design standards committee as established by RCW 35.78.030 in the development and adoption of rules for access standards for city streets designated as state highways under chapter 47.24 RCW.

(3) Cities and towns shall, no later than July 1, 1993, adopt standards for access permitting on streets designated as state highways which meet or exceed the department's standards, provided that such standards may not be inconsistent with standards adopted by the department.

[1991 c 202 § 3.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.040 Access permits.

Applicable Cases

(1) No connection to a state highway shall be constructed or altered without obtaining an access permit in accordance with this chapter in advance of such action. A permitting authority

has the authority to deny access to the state highway system at the location specified in the permit until the permittee constructs or alters the connection in accordance with the permit requirements.

(2) The cost of construction or alteration of a connection shall be borne by the permittee, except for alterations which are not required by law or administrative rule, but are made at the request of and for the convenience of the permitting authority. The permittee, however, shall bear the cost of alteration of any connection which is required by the permitting authority due to increased or altered traffic flows generated by changes in the permittee's facilities or nature of business conducted at the location specified in the permit.

(3) Except as otherwise provided in this chapter, an unpermitted connection is subject to closure by the appropriate permitting authority which shall have the right to install barriers across or remove the connection. When the permitting authority determines that a connection is unpermitted and subject to closure, it shall provide reasonable notice of its impending action to the owner of property served by the connection. The permitting authority's procedures for providing notice and preventing the operation of unpermitted connections shall be adopted by rule.

[1991 c 202 § 4.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.050 Permit fee.

Applicable Cases

The department shall establish by rule a schedule of fees for permit applications made to the department. The fee shall be nonrefundable and shall be used only to offset the costs of administering the access permit review process and the costs associated with administering the provisions of this chapter.

[1991 c 202 § 5.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.060 Permit review process.

Applicable Cases

The review process for access permit applications made by the department shall be as follows: Any person seeking an access permit shall file an application with the department. The department by rule shall establish application form and content requirements. The fee required by RCW 47.50.050 must accompany the applications.

[1991 c 202 § 6.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.070 Permit conditions.

Applicable Cases

The permitting authority may issue a permit subject to any conditions necessary to carry out the provisions of this chapter, including, but not limited to, requiring the use of a joint-use connection. The permitting authority may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated.

[1991 c 202 § 7.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.080 Permit removal.

Applicable Cases

(1) Unpermitted connections to the state highway system in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide access to the state highway system, unless the permitting authority determines that such a connection does not meet minimum acceptable standards of highway safety. However, a permitting authority may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the connection may be closed pursuant to RCW 47.50.040.

(2) Access permits granted prior to adoption of the permitting authorities' standards shall remain valid until modified or revoked. Access connections to state highways identified on plats and subdivisions approved prior to July 1, 1991, shall be deemed to be permitted pursuant to chapter 202, Laws of 1991. The permitting authority may, after written notification, under rules adopted in accordance with RCW 47.50.030, modify or revoke an access permit granted prior to adoption of the standards by requiring relocation, alteration, or closure of the connection if a significant change occurs in the use, design, or traffic flow of the connection.

(3) The permitting authority may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the public roads of this state. Every nonconforming access permit shall specify limits on the maximum vehicular use of the connection and shall be conditioned on the availability of future alternative means of access for which access permits can be obtained.

[1991 c 202 § 8.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

RCW 47.50.090 Access management standards.

Applicable Cases

(1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the department of community, trade, and economic development, regional transportation planning organizations, and other local governmental entities, and for city streets designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

- (i) Local land use plans and zoning, as set forth in comprehensive plans;
- (ii) The current functional classification as well as potential future functional classification of each road on the state highway system;
- (iii) Existing and projected traffic volumes;
- (iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;
- (v) Drainage requirements;
- (vi) The character of lands adjoining the highway;
- (vii) The type and volume of traffic requiring access;
- (viii) Other operational aspects of access;
- (ix) The availability of reasonable access by way of county roads and city streets to a state highway; and

(x) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.

(d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.

(e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993.

[1995 c 399 § 124; 1991 c 202 § 9.]

Notes:

Captions not law--Effective date--Severability--1991 c 202: See notes following RCW 47.50.010.

**Chapter 47.52 RCW
LIMITED ACCESS FACILITIES**

RCW

47.52.001	Declaration of policy.
47.52.010	"Limited access facility" defined.
47.52.011	"Existing highway" defined.
47.52.020	Powers of highway authorities--State facility, county road crossings.
47.52.025	Additional powers--Controlling use of limited access facilities--High-occupancy vehicle lanes.
47.52.026	Rules--Control of vehicles entering--Ramp closure, metering, or restrictions--Notice.
47.52.027	Standards and rules for interstate and defense highways--Construction, maintenance, access.
47.52.040	Design--Entrance and exit restricted--Closure of intersecting roads.
47.52.041	Closure of intersecting roads--Rights of abutters.
47.52.042	Closure of intersecting roads--Other provisions not affected.
47.52.050	Acquisition of property.
47.52.060	Court process expedited.
47.52.070	Establishment of facility--Grade separation--Service roads.
47.52.080	Abutter's right of access protected--Compensation.
47.52.090	Cooperative agreements--Urban public transportation systems--Title to highway--Traffic regulations--Underground utilities and overcrossings--Passenger transportation--Storm sewers--City street crossings.
47.52.100	Existing roads and streets as service roads.
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47.52.145	Modification of adopted plan without further public hearings, when.
47.52.150	State facility through city or town--Board of review, composition and appointment.
47.52.160	State facility through city or town--Hearing--Notice--Evidence--Determination of issues.
47.52.170	State facility through city or town--Hearing--Procedure.
47.52.180	State facility through city or town--Hearing--Findings of board--Modification of proposed plan by stipulation.
47.52.190	State facility through city or town--Hearing--Assistants--Costs--Reporter.
47.52.195	Review and appeal on petition of abutter.
47.52.200	Law enforcement jurisdiction within city or town.
47.52.210	State facility within city or town--Title to city or town streets incorporated therein.

Notes:

Description, plans of highways, filing: RCW 47.28.025, 47.28.026.

Port districts, toll facilities: Chapter 53.34 RCW.

Speed limits on limited access facilities: RCW 46.61.430.

RCW 47.52.001 Declaration of policy.

Applicable Cases

Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed. It is the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities.

[1961 c 13 § 47.52.001. Prior: 1951 c 167 § 1.]

RCW 47.52.010 "Limited access facility" defined.

Applicable Cases

For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system.

[1967 c 108 § 10; 1961 c 13 § 47.52.010. Prior: 1951 c 167 § 2; 1947 c 202 § 1; Rem. Supp. 1947 § 6402-60.]

Notes:

Urban public transportation system defined: RCW 47.04.082.

RCW 47.52.011 "Existing highway" defined.

Applicable Cases

For the purposes of this chapter, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated.

[1961 c 13 § 47.52.011. Prior: 1951 c 167 § 3.]

RCW 47.52.020 Powers of highway authorities--State facility, county road crossings.

Applicable Cases

The highway authorities of the state, counties, and incorporated cities and towns, acting

alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever the authority or authorities are of the opinion that traffic conditions, present or future, will justify the special facilities. However, upon county roads within counties, the state or county authorities are subject to the consent of the county legislative authority, except that where a state limited access facility crosses a county road the department may, without the consent of the county legislative authority, close off the county road so that it will not intersect such limited access facility.

The department may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the county legislative authority, and in so doing may revise the alignment of the county road to the extent that the department finds necessary for reasons of traffic safety or practical engineering considerations.

[1984 c 7 § 239; 1961 c 13 § 47.52.020. Prior: 1957 c 235 § 2; prior: 1953 c 30 § 1; 1951 c 167 § 4; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.025 Additional powers--Controlling use of limited access facilities--High-occupancy vehicle lanes.

Applicable Cases

Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of public transportation vehicles, privately owned buses, or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

[1974 ex.s. c 133 § 1; 1961 c 13 § 47.52.025. Prior: 1957 c 235 § 3; prior: 1951 c 167 § 5; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]

RCW 47.52.026 Rules--Control of vehicles entering--Ramp closure, metering, or restrictions--Notice.

Applicable Cases

(1) The department may adopt rules for the control of vehicles entering any state limited access highway as it deems necessary (a) for the efficient or safe flow of traffic traveling upon

any part of the highway or connections with it or (b) to avoid exceeding federal, state, or regional air pollution standards either along the highway corridor or within an urban area served by the highway.

(2) Rules adopted by the department pursuant to subsection (1) of this section may provide for the closure of highway ramps or the metering of vehicles entering highway ramps or the restriction of certain classes of vehicles entering highway ramps (including vehicles with less than a specified number of passengers), and any such restrictions may vary at different times as necessary to achieve the purposes mentioned in subsection (1) of this section.

(3) Vehicle restrictions authorized by rules adopted pursuant to this section are effective when proper notice is given by any police officer, or by appropriate signals, signs, or other traffic control devices.

[1984 c 7 § 240; 1974 ex.s. c 133 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.027 Standards and rules for interstate and defense highways--Construction, maintenance, access.

Applicable Cases

The secretary of transportation may adopt design standards, rules, and regulations relating to construction, maintenance, and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules, and regulations the secretary shall take into account the policies, rules, and regulations of the United States secretary of commerce and the federal highway administration relating to the construction, maintenance, and operation of the system of interstate and defense highways. The standards, rules, and regulations so adopted by the secretary shall constitute the public policy of this state and shall have the force and effect of law.

[1977 ex.s. c 151 § 62; 1961 c 13 § 47.52.027. Prior: 1959 c 319 § 35. Formerly RCW 47.28.160.]

Notes:

Nonmotorized traffic may be prohibited: RCW 46.61.160.

RCW 47.52.040 Design--Entrance and exit restricted--Closure of intersecting roads.

Applicable Cases

The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by

signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: PROVIDED, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary.

[1961 c 13 § 47.52.040. Prior: 1955 c 75 § 1; 1947 c 202 § 3; Rem. Supp. 1947 § 6402-62.]

RCW 47.52.041 Closure of intersecting roads--Rights of abutters.

Applicable Cases

No person, firm or corporation, private or municipal, shall have any claim against the state, city or county by reason of the closing of such streets, roads or highways as long as access still exists or is provided to such property abutting upon the closed streets, roads or highways. Circuity of travel shall not be a compensable item of damage.

[1961 c 13 § 47.52.041. Prior: 1955 c 75 § 2.]

RCW 47.52.042 Closure of intersecting roads--Other provisions not affected.

Applicable Cases

RCW 47.52.040 and 47.52.041 shall not be construed to affect provisions for establishment, notice, hearing and court review of any decision establishing a limited access facility on an existing highway pursuant to chapter 47.52 RCW.

[1961 c 13 § 47.52.042. Prior: 1955 c 75 § 3.]

RCW 47.52.050 Acquisition of property.

Applicable Cases

(1) For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire property or property rights in connection with highways and streets within their respective jurisdictions. Except as otherwise provided in subsection (2) of this section all property rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of property or property rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

(2) The highway authorities of the state, counties, and incorporated cities and towns may

acquire by gift, devise, purchase, or condemnation a three dimensional air space corridor in fee simple over or below the surface of the ground, together with such other property in fee simple and other property rights as are needed for the construction and operation of a limited access highway facility, but only if the acquiring authority finds that the proposal will not:

- (a) impair traffic safety on the highway or interfere with the free flow of traffic; or
- (b) permit occupancy or use of the air space above or below the highway which is hazardous to the operation of the highway.

[1971 ex.s. c 39 § 1; 1961 c 13 § 47.52.050. Prior: 1947 c 202 § 4; Rem. Supp. 1947 § 6402-63.]

Notes:

Award of costs in air space corridor acquisitions: RCW 8.25.073.

Right of way donations: Chapter 47.14 RCW.

RCW 47.52.060 Court process expedited.

Applicable Cases

Court proceedings necessary to acquire property or property rights for purposes of this chapter shall take precedence over all other causes not involving the public interest in all courts to the end that the provision for limited access facilities may be expedited.

[1961 c 13 § 47.52.060. Prior: 1947 c 202 § 5; Rem. Supp. 1947 § 6402-64.]

RCW 47.52.070 Establishment of facility--Grade separation--Service roads.

Applicable Cases

The designation or establishment of a limited access facility shall, by the authority making the designation or establishment, be entered upon the records or minutes of such authority in the customary manner for the keeping of such records or minutes. The state, counties and incorporated cities and towns may provide for the elimination of intersections at grade of limited access facilities with existing state or county roads, and with city or town streets, by grade separation or service road, or by closing off such roads and streets at the right of way boundary line of such limited access facility; and after the establishment of any such facility, no highway or street which is not part of said facility, shall intersect the same at grade. No city or town street, county road, or state highway, or any other public or private way, shall be opened into or connect with any such limited access facility without the consent and previous approval of the highway authority of the state, county, incorporated city or town having jurisdiction over such limited access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

[1961 c 13 § 47.52.070. Prior: 1951 c 167 § 10; 1947 c 202 § 6; Rem. Supp. 1947 § 6402-65.]

RCW 47.52.080 Abutter's right of access protected--Compensation.

Applicable Cases

No existing public highway, road, or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for

business at the time the notice is given as provided in RCW 47.52.133, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW 47.52.133 as for the taking or damaging of property for public use.

[1983 c 3 § 127; 1961 c 13 § 47.52.080. Prior: 1955 c 54 § 2; 1951 c 167 § 11; 1947 c 202 § 7; Rem. Supp. 1947 § 6402-66.]

RCW 47.52.090 Cooperative agreements--Urban public transportation systems--Title to highway--Traffic regulations--Underground utilities and overcrossings--Passenger transportation--Storm sewers--City street crossings.

Applicable Cases

The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of the facility by street cars, trains, or other vehicles forming a part of an urban public transportation system and for the erection, construction, and maintenance of structures and facilities of such a system including facilities for the receipt and discharge of passengers. Within incorporated cities and towns the title to every state limited access highway vests in the state, and, notwithstanding any other provision of this section, the department shall exercise full jurisdiction, responsibility, and control to and over the highway from the time it is declared to be operational as a limited access facility by the department, subject to the following provisions:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430, and all regulations adopted are subject to approval of the department before becoming effective. Nothing herein precludes the state patrol or any county, city, or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city, town, or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and has the right to construct additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as the facilities do not interfere with the use of the right of way for limited access highway purposes. The city or town has the right to maintain any municipal utility and the right to open the surface of the highway. The construction, maintenance until permanent repair is made, and permanent repair of these facilities shall be done in a time and manner authorized by permit to be issued by the department or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of the relocation shall be

paid by the state.

(3) Cities and towns have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as the franchises are not inconsistent with the use of the right of way for limited access facility purposes and the franchises are not in conflict with state laws. The department is authorized to enforce, in an action brought in the name of the state, any condition of any franchise that a city or town has granted. No franchise for transportation of passengers in motor vehicles may be granted on such highways without the approval of the department, except cities and towns are not required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not exceeding eight miles outside the corporate limits for public transportation on such facilities, but these vehicles may not stop on the limited access portion of the facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping, and acceleration space is provided for the vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair, and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by a permit to be issued by the department or its authorized representative.

(4) The department has the right to use all storm sewers that are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the department and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the department and the association of Washington cities.

[1984 c 7 § 241; 1977 ex.s. c 78 § 8; 1967 c 108 § 11; 1961 c 13 § 47.52.090. Prior: 1957 c 235 § 4; 1947 c 202 § 8; Rem. Supp. 1947 § 6402-67.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.
Urban public transportation system defined: RCW 47.04.082.

RCW 47.52.100 Existing roads and streets as service roads.

Applicable Cases

In connection with the development of any limited access facility the state, county or incorporated city or town highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, construct, maintain and vacate local service roads and streets, or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized for limited access facilities under the terms of this chapter. If, in their opinion such local service roads and streets are necessary or desirable, such local service roads or streets shall be separated from the limited access facility by

such means or devices designated as necessary or desirable by the proper authority.

[1961 c 13 § 47.52.100. Prior: 1947 c 202 § 9; Rem. Supp. 1947 § 6402-68.]

RCW 47.52.105 Acquisition and construction to preserve limited access or reduce required compensation.

Applicable Cases

Whenever, in the opinion of the department, frontage or service roads in connection with limited access facilities are not feasible either from an engineering or economic standpoint, the department may acquire private or public property by purchase or condemnation and construct any road, street, or highway connecting to or leading into any other road, street, or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The department shall provide by agreement with a majority of the legislative authority of the county or city concerned as to location, future maintenance, and control of any road, street, or highway to be so constructed. The road, street, or highway need not be made a part of the state highway system or connected thereto, but may upon completion by the state be turned over to the county or city for location, maintenance, and control pursuant to the agreement as part of the system of county roads or city streets.

[1984 c 7 § 242; 1967 c 117 § 1; 1961 c 13 § 47.52.105. Prior: 1955 c 63 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.110 Marking of facility with signs.

Applicable Cases

After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area.

[1961 c 13 § 47.52.110. Prior: 1947 c 202 § 10; Rem. Supp. 1947 § 6402-69.]

RCW 47.52.120 Violations specified--Exceptions--Penalty.

Applicable Cases

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except

through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: PROVIDED, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

[1987 c 330 § 748; 1985 c 149 § 1; 1961 c 13 § 47.52.120. Prior: 1959 c 167 § 1; 1947 c 202 § 11; Rem. Supp. 1947 § 6402-70.]

Notes:

Construction--Application of rules--Severability--1987 c 330: See notes following RCW 28B.12.050.

RCW 47.52.121 Prior determinations validated.

Applicable Cases

Any determinations of an authority establishing a limited access facility subsequent to March 19, 1947, and prior to March 16, 1951, in connection with new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated, and all acquisitions of property or access rights in connection therewith are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such authority, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings.

[1961 c 13 § 47.52.121. Prior: 1951 c 167 § 12.]

RCW 47.52.131 Consideration of local conditions--Report to local authorities--Conferences--Proposed plan.

Applicable Cases

When the department is planning a limited access facility through a county or an incorporated city or town, the department or its staff, before any hearing, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern,

present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys and, except as provided in RCW 47.52.134, shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings that are under consideration. This report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade, and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans and any proposed modification or alternate proposal of the county, city, or town in order to attempt to reach an agreement between the department and the county or city officials. As a result of the conference, the proposed plan, together with any modifications, shall be prepared by the department and presented to the county or city for inspection and study.

[1987 c 200 § 1; 1984 c 7 § 243; 1965 ex.s. c 75 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.133 Local public hearing--Notices.

Applicable Cases

Except as provided in RCW 47.52.134, the transportation commission and the highway authorities of the counties and incorporated cities and towns, with regard to facilities under their respective jurisdictions, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city, or town wherein the limited access facility is to be established to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road, or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city, or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected.

[1987 c 200 § 2; 1981 c 95 § 1; 1965 ex.s. c 75 § 2.]

RCW 47.52.134 When access reports and hearings not required.

Applicable Cases

Access reports and hearings on the establishment of limited access facilities are not required if:

(1) The limited access facility would lie wholly within state or federal lands and the agency or agencies with jurisdiction of the land agree to the access plan; or

(2) The access rights to the affected section of roadway have previously been purchased or established by others; or

(3) The limited access facility would not significantly change local road use, and all affected local agencies and abutting property owners agree in writing to waive a formal hearing on the establishment of the facility after publication of a notice of opportunity for a limited access hearing. This notice of opportunity for a limited access hearing shall be given in the same manner as required for published notice of hearings under RCW 47.52.133. If the authority specified in the notice receives a request for a hearing from one or more abutting property owners or affected local agencies on or before the date stated in the notice, an access report shall be submitted as provided in RCW 47.52.131 and a hearing shall be held. Notice of the hearing shall be given by mail and publication as provided in RCW 47.52.133.

[1987 c 200 § 3.]

RCW 47.52.135 Hearing procedure.

Applicable Cases

At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing may, at the option of the highway authority, be conducted in accordance with federal laws and regulations governing highway design public hearings. The members of such authority shall preside, or may designate some suitable person to preside as examiner. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner.

[1982 c 189 § 5; 1981 c 67 § 29; 1977 c 77 § 2; 1965 ex.s. c 75 § 3.]

Notes:

Effective date--1982 c 189: See note following RCW 34.12.020.

Effective dates--Severability--1981 c 67: See notes following RCW 34.12.010.

RCW 47.52.137 Adoption of plan--Service of findings and order--Publication of resume--Finality--Review.

Applicable Cases

Following the conclusion of such hearing the authority shall adopt a plan with such modifications, if any, it deems proper and necessary. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing, and in the case of a state limited access facility, the county commissioners of the county affected and the mayor of the city or town affected. The authority shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the authority shall become final within thirty days after such mailing unless a review is taken as hereinafter provided. In case of an appeal, the order shall be final as to all parties not appealing.

[1965 ex.s. c 75 § 4.]

RCW 47.52.139 Local approval of plan--Disapproval, request for review.

Applicable Cases

Upon receipt of the findings and order adopting a plan, the county, city, or town may notify the department of transportation of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city, or town does not approve the plan, the county, city, or town shall file its disapproval in writing with the secretary of transportation within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the department to which the county, city, or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190, as now or hereafter amended.

[1977 ex.s. c 151 § 63; 1965 ex.s. c 75 § 5.]

RCW 47.52.145 Modification of adopted plan without further public hearings, when.

Applicable Cases

Whenever after the final adoption of a plan for a limited access highway by the transportation commission, an additional design public hearing with respect to the facility or any portion thereof is conducted pursuant to federal law resulting in a revision of the design of the limited access plan, the commission may modify the previously adopted limited access plan to conform to the revised design without further public hearings providing the following conditions are met:

(1) As compared with the previously adopted limited access plan, the revised plan will not require additional or different right of way with respect to that section of highway for which the design has been revised, in excess of five percent by area; and

(2) If the previously adopted limited access plan was modified by a board of review convened at the request of a county, city, or town, the legislative authority of the county, city, or town shall approve any revisions of the plan which conflict with modifications ordered by the

board of review.

[1981 c 95 § 2; 1977 c 77 § 1.]

RCW 47.52.150 State facility through city or town--Board of review, composition and appointment.

Applicable Cases

Upon request for a hearing before the board by any county, city, or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county, or legislative district, except that of the legislative body of the county, city, or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the secretary of transportation shall appoint two members of the board; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions, and of the four thus selected no more than two thereof may be members of a legislative body of the county, city, or town. The secretary of transportation shall appoint four members of the board. One member shall be selected by the members thus selected, and such ninth member shall be a licensed civil engineer or a recognized city or town planner, who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after the receipt of such a request by the secretary. In the event the secretary or a county, city, or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the secretary or the county, city, or town may apply to the superior court of the county in which the county, city, or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

[1977 ex.s. c 151 § 64; 1963 c 103 § 3; 1961 c 13 § 47.52.150. Prior: 1959 c 242 § 3; 1957 c 235 § 7.]

RCW 47.52.160 State facility through city or town--Hearing--Notice--Evidence--Determination of issues.

Applicable Cases

The board shall fix a reasonable time not more than thirty days after the date of its appointment and shall indicate the time and place for the hearing, and shall give notice to the county, city, or town and to the department. At the time and place fixed for the hearing, the state and the county, city, or town shall present all of their evidence with respect to the objections set forth in the request for the hearing before the board, and if either the state, the county, or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at the hearing.

[1984 c 7 § 244; 1963 c 103 § 4; 1961 c 13 § 47.52.160. Prior: 1957 c 235 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.170 State facility through city or town--Hearing--Procedure.

Applicable Cases

No witness's testimony shall be received unless he shall have been duly sworn, and the board may cause all oral testimony to be stenographically reported. Members of the board, its duly authorized representatives, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of their office.

[1961 c 13 § 47.52.170. Prior: 1957 c 235 § 9.]

RCW 47.52.180 State facility through city or town--Hearing--Findings of board--Modification of proposed plan by stipulation.

Applicable Cases

At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove, or modify the proposed plan of the department of transportation. Such findings shall be final and binding upon both parties. Any modification of the proposed plan of the department of transportation made by the board of review may thereafter be modified by stipulation of the parties.

[1977 ex.s. c 151 § 65; 1977 c 77 § 3; 1961 c 13 § 47.52.180. Prior: 1957 c 235 § 10.]

RCW 47.52.190 State facility through city or town--Hearing--Assistants--Costs--Reporter.

Applicable Cases

The board shall employ such assistance and clerical help as is necessary to perform its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses, and fees, if any, of members of the board shall be borne equally by the county, city, or town requesting the hearing and the department. When oral testimony is stenographically reported, the department shall provide a reporter at its expense.

[1984 c 7 § 245; 1963 c 103 § 5; 1961 c 13 § 47.52.190. Prior: 1957 c 235 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.52.195 Review and appeal on petition of abutter.

Applicable Cases

An abutting property owner may petition for review in the superior court of the state of

Washington in the county where the limited access facility is to be located. Such review and any appeal therefrom shall be considered and determined by said court upon the record of the authority in the manner, under the conditions and subject to the limitations and with the effect specified in the Administrative Procedure Act, chapter 34.05 RCW, as amended.

[1965 ex.s. c 75 § 6.]

RCW 47.52.200 Law enforcement jurisdiction within city or town.

Applicable Cases

Whenever any limited access highway facility passes within or through any incorporated city or town the municipal police officers of such city or town, the sheriff of the county wherein such city or town is situated and officers of the Washington state patrol shall have independent and concurrent jurisdiction to enforce any violation of the laws of this state occurring thereon: PROVIDED, The Washington state patrol shall bear primary responsibility for the enforcement of laws of this state relating to motor vehicles within such limited access highway facilities.

[1961 c 122 § 1.]

RCW 47.52.210 State facility within city or town--Title to city or town streets incorporated therein.

Applicable Cases

(1) Whenever the transportation commission adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town, and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the secretary of transportation that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the department of transportation may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the secretary of transportation and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

[1981 c 95 § 3; 1977 ex.s. c 78 § 3.]

Chapter 47.56 RCW
STATE TOLL BRIDGES, TUNNELS, AND FERRIES

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Notes:

Bridges across navigable waters: RCW 79.91.090 through 79.91.120.

Port districts, toll facilities: Chapter 53.34 RCW.

Toll bridge bonds authorized, adjoining counties: RCW 36.76.140.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.

RCW 47.56.010 Definitions.

Applicable Cases

"Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests used therefor, and buildings and improvements thereon.

"Toll road" means any express highway, superhighway, or motorway at such locations and between such termini as may be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the department, and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage, and other buildings that the department may deem necessary for the operation of the project, together with all property, rights, easements, and interests that may be acquired by the department for the construction or the operation of the project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as those procedures are reasonably consistent and applicable.

[1984 c 7 § 246; 1961 c 13 § 47.56.010. Prior: 1953 c 220 § 1; 1937 c 173 § 1, part; RRS § 6524-1, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.030 Powers and duties regarding toll facilities--Purchasing.

Applicable Cases

The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof. The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law. The department shall have full charge of design of all toll facilities. The department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities.

The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(1) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(2) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(a) The ability, capacity, and skill of the proposer to perform the contract or provide the

service required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(c) Whether the proposer can perform the contract within the time specified;

(d) The quality of performance of previous contracts or services;

(e) The previous and existing compliance by the proposer with laws relating to the contract or services;

(f) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(g) Such other information as may be secured having a bearing on the decision to award the contract.

When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(3) The legislative transportation committee shall review the secretary's use of the request for proposals solicitation for Washington state ferries projects to determine if the process established under chapter 4, Laws of 1995 1st sp. sess. is appropriate. The results of the review, including recommendations for modification of the request for proposal process, shall be reported to the house of representatives and senate transportation committees by January 1, 1997.

[1995 1st sp.s. c 4 § 1; 1977 ex.s. c 151 § 66; 1969 ex.s. c 180 § 3; 1961 c 278 § 8; 1961 c 13 § 47.56.030. Prior: 1937 c 173 § 10; RRS § 6524-10.]

Notes:

Effective date--1995 1st sp.s. c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [June 14, 1995]." [1995 1st sp.s. c 4 § 4.]

RCW 47.56.032 Authority of department and commission relating to state ferries.

Applicable Cases

All powers vested in the toll bridge authority as of September 21, 1977, relating to the acquiring, operating, extending, designing, constructing, repairing, and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the department. The commission shall determine all fares, tolls, and other charges for its facilities and shall directly perform all duties and exercise all powers relating to financing, refinancing, and fiscal management of the system's bonded indebtedness in the manner provided by law.

[1984 c 7 § 247; 1961 c 278 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.040 Toll bridges authorized--Investigations.

Applicable Cases

The department is empowered, in accordance with the provisions of this chapter, to provide for the establishment and construction of toll bridges upon any public highways of this state together with approaches thereto wherever it is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp, or other topographical formation whether that formation is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the department, and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the department. For the purpose of obtaining information for the consideration of the department upon the construction of any toll bridge or any other matters pertaining thereto, any cognizant officer or employee of the state shall, upon the request of the department, make reasonable examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto and report this to the department. The cost of any such examination, investigation, survey, or reconnaissance shall be borne by the department or office conducting these activities from the funds provided for that department or office for its usual functions.

[1984 c 7 § 248; 1961 c 13 § 47.56.040. Prior: 1937 c 173 § 3; RRS § 6524-3; prior: 1913 c 56 § 2; RRS § 6525.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.042 State boundary bridges--Investigations--Agreements with counties or states.

Applicable Cases

The department is authorized to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and the adjoining state. The department may use funds available to it to carry out the purposes of this section. These agreements may provide that if any such project is determined to be feasible and is adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from the project.

[1984 c 7 § 249; 1961 c 13 § 47.56.042. Prior: 1955 c 203 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.050 Purchase of bridges and ferries authorized--Provisions applicable.

Applicable Cases

(1) The department, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries under subsection (1) of this section, the department, the state treasurer, any city, county, or other political subdivision of this state, and all of their officers:

(a) Are empowered and required to do all acts and things provided for in this chapter to establish and construct toll bridges and operate, finance, and maintain such bridges insofar as the powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing, and maintenance; and

(b) In purchasing, operating, financing, and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase under this section, shall act in the same manner and under the same procedures as are provided in this chapter to establish, construct, operate, finance, and maintain toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing, and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) of this section, the department is empowered: (a) To cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for that bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell, and redeem bonds, and to deposit and pay out the proceeds of the bonds for the financing thereof; (c) to collect, deposit, and expend tolls therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 apply when any bridge or bridges or ferries are acquired by purchase pursuant to this section.

[1984 c 7 § 250; 1973 c 106 § 25; 1961 c 13 § 47.56.050. Prior: 1945 c 266 § 1; Rem. Supp. 1945 § 6524-3a.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.060 Toll bridges--General powers of department and officials--Financial statements.

Applicable Cases

The department, the officials thereof, and all other state officials are empowered to act and make agreements consistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation, and insurance of toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor.

The department shall keep full, complete, and separate accounts of each toll bridge, and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open at all reasonable times to the inspection of holders of bonds issued by the department.

[1984 c 7 § 251; 1961 c 13 § 47.56.060. Prior: 1937 c 173 § 17; RRS § 6524-17.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.070 Toll facilities authorized--Provisions applicable--Restrictions.

Applicable Cases

The department of transportation may, with the approval of the transportation commission, provide for the establishment, construction, and operation of toll tunnels, toll roads, and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road, or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining.

[1977 ex.s. c 151 § 67; 1961 c 13 § 47.56.070. Prior: 1953 c 220 § 3; 1937 c 173 § 3 1/2; RRS § 6524-3 1/2.]

RCW 47.56.075 Toll roads, facilities--Legislative authorization or local sponsorship required.

Applicable Cases

The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a city, town, or county.

[1984 c 7 § 252; 1961 c 13 § 47.56.075. Prior: 1953 c 220 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.077 Concessions to operate private business on toll road prohibited.

Applicable Cases

The department shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights of way.

[1984 c 7 § 253; 1961 c 13 § 47.56.077. Prior: 1953 c 220 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.080 Construction of toll bridges and issuance of bonds authorized.

Applicable Cases

Whenever in the judgment of the transportation commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp, or other topographical formation and operated by the state the commission shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the commission be included in the same authority and issue of bonds.

[1977 ex.s. c 151 § 68; 1961 c 13 § 47.56.080. Prior: 1937 c 173 § 6; RRS § 6524-6.]

RCW 47.56.090 Authority to acquire right of way in constructing a toll bridge.

Applicable Cases

The department of transportation is empowered to secure right of way for toll bridges and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

[1977 ex.s. c 151 § 69; 1961 c 13 § 47.56.090. Prior: 1937 c 173 § 5; RRS § 6524-5.]

RCW 47.56.100 Toll bridges--Right of way across state highways and political subdivisions--Compensation.

Applicable Cases

The right of way is hereby given, dedicated, and set apart upon which to locate, construct, and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over, or across any state highways, and through, over, or across the streets, alleys, lanes, and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county, or other political subdivision of the state is required to be taken for the construction of any bridge or approach thereto, or if any such property is injured or damaged by such construction, compensation therefor as may be proper or necessary and as agreed upon may be paid by the department to the particular county, city, or other political subdivision of the state owning the property, or condemnation proceedings may be brought for the determination of the compensation.

[1984 c 7 § 254; 1977 ex.s. c 103 § 4; 1961 c 13 § 47.56.100. Prior: 1937 c 173 § 16; RRS § 6524-16.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.110 Toll bridges--Resolution of necessity in acquiring right of way--Effect of.

Applicable Cases

Before the department proceeds with any action to secure a right of way or with construction of any toll bridge under the provisions of this chapter, the commission shall first pass a resolution that public interest and necessity require the acquisition of right of way for and the construction of the toll bridge. The resolution is conclusive evidence (1) of the public necessity of such construction; (2) that the property is necessary therefor; and (3) that the proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the department to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the department. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements, or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public, or municipal corporation, county, city, town, district, or any political subdivision of the state, may be condemned and taken, and the acquisition and use as provided in this chapter for the same public use or purpose to which the property has been so appropriated or dedicated, or for any other public use or purpose, is a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which the property has already been appropriated or dedicated. It is not necessary in any eminent domain proceedings under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

[1984 c 7 § 255; 1961 c 13 § 47.56.110. Prior: 1937 c 173 § 11; RRS § 6524-11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.120 Toll bridges--Construction directed--Costs.

Applicable Cases

In the event that the transportation commission should determine that any toll bridge should be constructed, all cost thereof including right of way, survey, and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

[1977 ex.s. c 151 § 70; 1961 c 13 § 47.56.120. Prior: 1937 c 173 § 4; RRS § 6524-4.]

RCW 47.56.130 Toll bridges--Bonds--Cooperative funds from state and federal government.

Applicable Cases

The department is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this chapter. Any and all bonds issued for the construction of any toll bridge or toll bridges under the authority of the department shall be issued in the name of the department, shall constitute obligations only of the department, shall be identified as toll bridge bonds, and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct

and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability, or obligation of the state of Washington. The department is empowered to receive and accept funds from the state of Washington or the federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this chapter and is empowered to enter into such agreements with the state of Washington or the federal government as may be required for the securing of such funds.

[1984 c 7 § 256; 1961 c 13 § 47.56.130. Prior: 1937 c 173 § 7; RRS § 6524-7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.140 Toll bridges, bonds--Form, contents, manner of sale--Interim bonds.

Applicable Cases

The revenue bonds may be issued and sold by the department of transportation from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The department of transportation shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds may be payable at such place as determined by the department. They may be in any form including bearer bonds or registered bonds as provided in RCW 39.46.030, with interest payable at such times as determined by the department, and shall mature at such times and in such amounts as the department prescribes. The department may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on any coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The department may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the department deems proper. The department may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The department may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may

be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

[1983 c 167 § 118; 1970 ex.s. c 56 § 62; 1969 ex.s. c 232 § 33; 1963 ex.s. c 3 § 45; 1961 c 13 § 47.56.140. Prior: 1953 c 79 § 1; 1937 c 173 § 8; RRS § 6524-8.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 47.56.150 Toll bridges--Bond proceeds and toll revenues, disposition of--Construction fund--Disbursement--Investment.

Applicable Cases

The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the state treasurer for the credit of the department and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise. The department may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues that are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state moneys: PROVIDED, That the department may provide in the proceedings authorizing the issuance of these bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall thereupon be binding upon the department and all officials having anything to do with the investment. Any surplus which may exist in the construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call. If these bonds cannot be purchased at a price satisfactory to the department and are not by their terms callable prior to maturity, the surplus shall be paid into the fund applicable to the payment of principal and interest of the bonds and shall be used for that purpose. The

proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called. Such limitations and conditions shall be followed and observed in the application and use of the surplus. All bonds so retired by purchase or call shall be immediately canceled.

[1984 c 7 § 257; 1961 c 13 § 47.56.150. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.160 Toll bridges--Toll revenue fund.

Applicable Cases

All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department to the state treasurer. The treasurer shall deposit them forthwith as demand deposits in a depository or depositories authorized by law to receive deposits of state funds. The deposit shall be made to the credit of a special trust fund designated as the toll revenue fund of the particular toll bridge or toll bridges producing the tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

[1984 c 7 § 258; 1961 c 13 § 47.56.160. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.170 Toll bridges--Transfer of funds for bond payments--Surplus funds.

Applicable Cases

From the money deposited in each separate construction fund under RCW 47.56.160, the state treasurer shall transfer to the place or places of payment named in the bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of a particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in the bonds such sums as may be required to pay the interest on the bonds and redeem the principal thereof as the interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in the toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of that principal or interest. The proceedings authorizing the issuance of bonds may provide for setting up a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of the fund in a manner to be provided therein. The proceedings may also require the immediate application of all surplus moneys in the toll revenue fund to the retirement of the

bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of the department.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as provided in this section shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation, and maintenance of the toll bridge or bridges as the department may determine.

[1984 c 7 § 259; 1961 c 13 § 47.56.170. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.180 Toll bridges--Payments made by warrants on vouchers--Interest on deposits.

Applicable Cases

Warrants for payments to be made on account of the bonds shall be duly drawn by the state treasurer on vouchers approved by the department.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining, and repairing the bridge or bridges shall be paid from the proper fund therefor by the state treasurer upon vouchers approved by the department.

All interest received or earned on money deposited in each and every fund provided for in this chapter shall be credited to and become a part of the particular fund upon which the interest accrues.

[1984 c 7 § 260; 1973 c 106 § 26; 1961 c 13 § 47.56.180. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.190 Toll bridges--Agreement on deposit of funds.

Applicable Cases

The department may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of the money at such times and with such depositaries or paying agents and upon the furnishing of security as meets with the approval of the purchasers of the bonds so long as the depositaries and security provided for or agreed upon are qualified and eligible in accordance with the requirements of law.

[1984 c 7 § 261; 1961 c 13 § 47.56.190. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.200 Toll bridges--Use of bond proceeds and revenue for expenses.

Applicable Cases

Notwithstanding anything contained in this chapter, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds for the construction of the toll bridge or toll bridges including expenses for the preparation of surveys and estimates and making inspections and examinations required by the purchasers of the bonds. In addition, the proceedings authorizing the issuance of the bonds may contain appropriate provisions governing the use and application of the bond proceeds and toll or other revenues for the purposes herein specified.

[1984 c 7 § 262; 1961 c 13 § 47.56.200. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.210 Toll bridges--Remedies of bond holders.

Applicable Cases

While any bonds issued by the department under this chapter remain outstanding, the powers, duties, or existence of the department or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official, or employee, or imposed upon the department or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of any bridge, and in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds. The enumeration of rights and remedies in this section shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of the bonds.

[1984 c 7 § 263; 1961 c 13 § 47.56.210. Prior: 1937 c 173 § 18; RRS § 6524-18.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.220 Toll bridges--Limitations on other service--Protection of outstanding bonds.

Applicable Cases

Except as otherwise provided in RCW 47.56.291, *47.56.714, and 47.56.756, as long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed, or maintained any other bridge or other crossing over, under, through, or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon

on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: PROVIDED, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the state department of transportation, the state of Washington, and all of its departments, agencies, or instrumentalities as well as any and all private, political, municipal, and public corporations and subdivisions, including cities, counties, and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

[1983 c 3 § 128; 1979 ex.s. c 212 § 19; 1979 c 131 § 8; 1961 c 13 § 47.56.220. Prior: 1937 c 173 § 13; RRS § 6524-13.]

Notes:

***Reviser's note:** RCW 47.56.714 was repealed by 1990 c 42 § 403, effective September 1, 1990.

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.230 Toll bridges--Insurance or indemnity bonds authorized.

Applicable Cases

When any toll bridge or bridges authorized under this chapter is being built by the department, the department may carry or cause to be carried an amount of insurance or indemnity bond or bonds as protection against loss or damage as the department may deem proper. The department is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of the toll bridge or toll bridges and interest accrued thereon have been fully redeemed and paid. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to the toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding the toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The department is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of the toll bridge or toll bridges from any cause whatever, and the proceeds of the insurance or indemnity bonds shall be paid into

the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the fund. The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of the toll bridge or toll bridges during any period of time that may be determined by the department and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in the proceedings. The department may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the department and be paid for out of the toll revenue fund as may be specified in the proceedings.

[1984 c 7 § 264; 1961 c 13 § 47.56.230. Prior: 1937 c 173 § 15; RRS § 6524-15.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.240 Toll bridges--Fixing of toll rates authorized--Lien of bonds on revenue.

Applicable Cases

The commission is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions warrant. The commission, in establishing toll charges, shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments on them. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the bonds become due. The bond redemption and interest payments constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon. Sinking funds created therefrom received from the use and operation of the toll bridge or toll bridges, and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as any of these bonds are outstanding and unpaid.

[1984 c 7 § 265; 1961 c 13 § 47.56.240. Prior: 1937 c 173 § 9; RRS § 6524-9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.242 Liquidation and closure of facility accounts upon removal of tolls--Transfer to motor vehicle fund.

Applicable Cases

The department is authorized to liquidate and close toll facility trust and other facility accounts established outside the state treasury under chapter 47.56 RCW after the removal of tolls from the facility for which the accounts were established. Any balance remaining in the

accounts shall thereupon be transferred to the motor vehicle fund. In addition, the department may, after the removal of tolls from a particular facility or facilities, require that all moneys transferred to the place of payment named in the revenue bonds, for the purpose of paying principal or interest or for redemption of the bonds not then expended for such purpose, be returned to the state treasurer for deposit in the motor vehicle fund.

[1984 c 7 § 266; 1967 ex.s. c 145 § 48.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.243 Liquidation and closure of facility accounts upon removal of tolls--Satisfaction of claims.

Applicable Cases

After transfer of such moneys pursuant to RCW 47.56.242, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or any coupons may be redeemed by payment from the motor vehicle fund upon proper application to and approval by the department of transportation.

Neither the provisions of this section nor of RCW 47.56.242 shall be construed to preclude any remedy otherwise available to bond owners or coupon holders.

[1983 c 167 § 119; 1967 ex.s. c 145 § 49.]

Notes:

Liberal construction--Severability--1983 c 167: See RCW 39.46.010 and note following.

RCW 47.56.245 Toll charges retained until costs paid.

Applicable Cases

The department shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every facility completed after March 19, 1953, costs of maintenance, management, and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred.

[1984 c 7 § 267; 1965 ex.s. c 170 § 53; 1961 c 13 § 47.56.245. Prior: 1953 c 220 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.247 Credit permits for vehicular passage.

Applicable Cases

The department may issue permits for the passage of vehicles on any or all of its toll bridges, toll tunnels, toll roads, or for the Washington state ferry system on a credit basis upon such terms and conditions as the department deems proper.

[1984 c 7 § 268; 1961 c 258 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 258: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 258 § 3.]

RCW 47.56.248 Credit permits for vehicular passage--Cash deposit or bond--Revocation of permit.

Applicable Cases

The department may require the holder of the permit to furnish to and maintain in force with the department a cash deposit or a corporate surety bond. The department may require the holder of the permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with any of its terms.

[1984 c 7 § 269; 1961 c 258 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 258: See note following RCW 47.56.247.

RCW 47.56.250 Contributions by the state or political subdivision--Bonds--Repayment.

Applicable Cases

Whenever a proposed toll bridge, toll road, toll tunnel, or any other toll facility of any sort is to be constructed, any city, county, or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the transportation commission advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county, or other political subdivision may, either jointly or separately, at the request of the transportation commission advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the commission to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the commission be placed with the department of transportation to be sold by the department to provide funds for such purpose. Money, or bonds, or property so advanced or contributed may be immediately transferred or delivered to the department to be used for the purpose for which contribution was made. The commission may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of

way, labor, materials, or other property so advanced or contributed. The commission may make such repayment to a city, county, or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

[1977 ex.s. c 151 § 71; 1961 c 13 § 47.56.250. Prior: 1959 c 162 § 1; 1955 c 166 § 1; 1937 c 173 § 12; RRS § 6524-12.]

RCW 47.56.253 Permits, leases, licenses to governmental entities to use property of toll facility or ferry system.

Applicable Cases

If the department deems it in the public interest and not inconsistent with the use and operation of the toll facility involved, the department may on application therefor issue a permit, lease, or license to the state, or to any city, county, port district, or other political subdivision or municipal corporation of the state to use any portion of the property of any toll bridge, toll road, toll tunnel, or Washington state ferry system upon such terms and conditions as the department may prescribe.

[1984 c 7 § 270; 1961 c 257 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 257: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 257 § 7.]

RCW 47.56.254 Sale of unneeded property--Authorized--Rules.

Applicable Cases

If the secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) originally acquired for toll facility purposes is no longer required for purposes of the department, the department shall offer it for sale as authorized by RCW 47.12.063 or 47.12.283. The department may adopt rules further implementing this section.

[1979 ex.s. c 189 § 4; 1977 ex.s. c 151 § 72; 1973 1st ex.s. c 177 § 3; 1961 c 257 § 3.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

Severability--1961 c 257: See note following RCW 47.56.253.

RCW 47.56.255 Sale of unneeded property--Certification to governor--Execution, delivery of deed.

Applicable Cases

When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received, the department may certify this fact to the governor, with a description of the land and terms of the sale, and the governor may execute and the secretary of state shall attest the

deed and deliver it to the grantee.

[1984 c 7 § 271; 1973 1st ex.s. c 177 § 4; 1961 c 257 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 257: See note following RCW 47.56.253.

RCW 47.56.256 Franchises for utility, railway, urban public transportation purposes.

Applicable Cases

If the department deems it not inconsistent with the use and operation of any department facility, the department may grant franchises to persons, associations, private or municipal corporations, the United States government, or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel, or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flumes, gas pipes, telephone, telegraph, and electric light and power lines and conduits, trams or railways, any structures or facilities that are part of an urban public transportation system owned or operated by a municipal corporation, agency, or department of the state of Washington other than the department of transportation, and any other such facilities in the manner of granting franchises on state highways.

[1984 c 7 § 272; 1967 c 108 § 12; 1961 c 257 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1961 c 257: See note following RCW 47.56.253.

Urban public transportation system defined: RCW 47.04.082.

RCW 47.56.257 Deposit of moneys received under RCW 47.56.253 through 47.56.256.

Applicable Cases

Any moneys received pursuant to the provisions of RCW 47.56.253 through 47.56.256 shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility.

[1979 ex.s. c 189 § 5; 1961 c 257 § 6.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

Severability--1961 c 257: See note following RCW 47.56.253.

RCW 47.56.270 Lake Washington and Tacoma Narrows bridges part of primary highways.

Applicable Cases

The Lake Washington bridge and the Tacoma Narrows bridge in chapter 47.17 RCW made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up, and repaired by the department in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep, and repair shall be paid from funds appropriated for the use of the department for the construction and maintenance of the primary

state highways of the state of Washington.

[1983 c 3 § 129; 1961 c 13 § 47.56.270. Prior: 1939 c 5 § 4; RRS § 6524-3a.]

RCW 47.56.271 Tacoma Narrows bridge--Toll free facility.

Applicable Cases

The Tacoma Narrows bridge hereinbefore by the provisions of RCW 47.17.065 and 47.56.270 made a part of the primary state highways of the state shall be operated and maintained by the department as a toll-free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge.

[1983 c 3 § 130; 1965 c 50 § 1.]

RCW 47.56.273 Fox Island toll bridge--Need for removal of tolls.

Applicable Cases

Present tolls on the Fox Island toll bridge have retarded the development of Fox Island for residential purposes because of the financial burden upon residents and potential residents resulting from paying these tolls in addition to those imposed upon the Narrows bridge. The removal or readjustment of tolls from the Fox Island toll bridge is required in the interest of the orderly development of Fox Island. The development of Fox Island will provide additional users of the Narrows bridge with a resultant increase of revenue to the state from tolls due to such additional use.

[1961 c 13 § 47.56.273. Prior: 1957 c 270 § 1.]

RCW 47.56.282 Additional Lake Washington bridge (1957 Act)--Revenue bonds--Toll charges and other support.

Applicable Cases

The authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all costs of construction of an additional Lake Washington bridge and approaches and all costs of construction or any alterations to the existing Lake Washington bridge or its approaches as a result of the construction of the additional bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted and from any other moneys or funds available therefor. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or

redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

[1965 ex.s. c 170 § 56; 1961 c 13 § 47.56.282. Prior: 1957 c 266 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.284 Additional Lake Washington bridge (1957 Act)--Continuous project--Authorization of other additional bridges.

Applicable Cases

The existing Lake Washington bridge, the toll bridge authorized in chapter 266, Laws of 1957, and any other bridge hereafter constructed across Lake Washington, are hereby construed and designated as a continuous project within the terms and provisions of RCW 47.56.070; and notwithstanding the provisions of RCW 47.56.220, the department may authorize additional toll bridges across Lake Washington at such times as traffic may warrant and at such sites as deemed feasible.

[1984 c 7 § 273; 1961 c 13 § 47.56.284. Prior: 1957 c 266 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.286 Additional Lake Washington bridge (1957 Act)--Interpretation.

Applicable Cases

The provisions of chapter 47.56 RCW, except where inconsistent with RCW 47.56.282 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.282 through 47.56.286. Nothing in RCW 47.56.282 through 47.56.286 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.282 through 47.56.286 for the uses and purposes herein set forth. RCW 47.56.282 through 47.56.286 are additional to such existing statutes and concurrent therewith.

[1985 c 7 § 114; 1984 c 7 § 274; 1961 c 13 § 47.56.286. Prior: 1957 c 266 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.287 Second Lake Washington bridge--Use of motor vehicle fund to pay deficits.

Applicable Cases

To the extent that revenues from the imposition of tolls and franchise fees for use of the second Lake Washington bridge authorized and constructed under the provisions of *RCW 47.56.281 are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds issued pursuant to the provisions of RCW 47.56.282 or on any subsequent refunding bond issues, the department shall use moneys in the motor vehicle fund to pay such deficits.

[1984 c 7 § 275; 1965 ex.s. c 170 § 54.]

Notes:

***Reviser's note:** RCW 47.56.281 was decodified by 1984 c 7 § 387.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.288 Second Lake Washington bridge--Designation of funds to pay deficits--Pledge of excise tax proceeds.

Applicable Cases

Any funds required to pay such deficits shall be from the proceeds of state excise taxes on motor vehicle fuels and shall be taken from that portion of the motor vehicle fund which is or may be appropriated for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet such deficits.

The proceeds of such excise taxes are hereby pledged to the payment of any such deficits in the costs of maintenance and operation of the bridge and in the payment of principal and interest which may arise on account of the bonds issued under the provisions of RCW 47.56.282, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, such deficits.

[1965 ex.s. c 170 § 55.]

RCW 47.56.290 Additional Lake Washington bridge (1953 Act)--Appropriation--Repayment from bond issue.

Applicable Cases

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending March 31, 1955, the sum of two hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of chapter 192, Laws of 1953, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund on the sale of bonds issued in connection therewith.

[1961 c 13 § 47.56.290. Prior: 1953 c 192 § 2.]

RCW 47.56.291 Additional Lake Washington bridge in vicinity of first bridge--Design and construction authorized.

Applicable Cases

Notwithstanding the provisions of RCW 47.56.220, the Washington state highway commission is authorized to design and construct an additional bridge across Lake Washington at a site in the vicinity of the first Lake Washington bridge.

[1965 ex.s. c 170 § 57.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.310 Additional Columbia river bridge--Vancouver to Portland bridges--Cooperation with Oregon.

Applicable Cases

The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission, to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington, and Portland, Oregon, and to reconstruct and improve the said existing interstate bridge and its approaches or so much thereof as may be agreed upon with the Oregon state highway commission. Such additional bridge, together with the existing interstate bridge, shall be an integral part of U.S. highway No. 99, and to the Oregon boundary shall be a part of primary state highway No. 1. All acts necessary to the design and construction of said new bridge and approaches thereto and the reconstruction and alteration of the existing bridge and approaches may be done and performed by either the Oregon state highway commission or the Washington toll bridge authority with the approval of the other or by both of them jointly.

[1961 c 13 § 47.56.310. Prior: 1955 c 152 § 1; 1953 c 132 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.320 Additional Columbia river bridge--Tolls.

Applicable Cases

The Washington toll bridge authority is authorized to enter into an agreement with the Oregon state highway commission that the new bridge, including approaches, provided for herein shall be merged and consolidated with the existing interstate bridge, including its approaches,

located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of both bridges constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the reconstruction and improvement of the existing interstate bridge including approaches thereto in both states, the cost of maintaining, operating and repairing both of said bridges while the same are operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in, RCW 47.56.310 through 47.56.345.

[1961 c 13 § 47.56.320. Prior: 1955 c 152 § 2; 1953 c 132 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.330 Additional Columbia river bridge--Agreements with Oregon authorized.

Applicable Cases

The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find necessary or convenient to carry out the purposes of RCW 47.56.310 through 47.56.345.

Any such agreements may include, but shall not be limited to, the following:

(1) A provision that all acts pertaining to the design and construction of said new bridge and the reconstruction and improvement of the existing interstate bridge may be done and performed by the Oregon state highway commission or the Washington toll bridge authority, with the approval of the other, or by both, and that any and all contracts for the construction of the new bridge and the reconstruction and improvement of the existing bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington under direction of the Washington toll bridge authority, or both: PROVIDED, That there shall be a further provision that each state shall have full power to design and construct approaches to each bridge within the respective boundaries of said state with reimbursement from the proceeds of the sale of revenue bonds to be issued.

(2) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the

purposes for which said revenue bonds may be issued, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(3) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Any such agreements shall include the following provisions:

(1) A provision that the new bridge and approaches provided for herein shall be consolidated and merged with the existing interstate bridge and its approaches located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

(2) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of both bridges and approaches thereto as a single toll facility except as to repair and maintenance, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of said bridges and to disburse the revenue derived therefrom for the payment of expenses of maintenance and operation and repair thereof, all costs of constructing said new bridge and reconstructing and improving said existing bridge and all expenses incidental thereto, and the payment of the principal of and the interest on the revenue bonds herein provided for.

(3) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon both bridges as a single toll facility, and that such bonds shall be in such amounts as to provide funds with which to pay the costs of the design and construction of the proposed new bridge, including the approaches thereto in both states and the costs of acquisition of rights of way therefor, the reconstruction and alteration of the existing bridge and approaches thereto, expenses incident to the issuance of such bonds including the payment of interest for the period beginning with the date of issuance thereof and ending at the expiration of six months after tolls are first imposed, and a reasonable amount for working capital and prepaid insurance, with the further provision that any sale of the bonds to be issued shall be approved by the Oregon state highway commission.

(4) A provision that the Washington toll bridge authority, after consultation with the Oregon state highway commission, shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Oregon state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed, with the further provision that such toll charges shall be removed after all costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs, shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed.

[1961 c 13 § 47.56.330. Prior: 1955 c 152 § 4; 1953 c 132 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.340 Additional Columbia river bridge--When toll free.

Applicable Cases

Both the bridges herein provided for shall be operated as toll-free bridges whenever the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs shall have been paid, and when all of said revenue bonds and interest thereon issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed.

[1961 c 13 § 47.56.340. Prior: 1955 c 152 § 3; 1953 c 132 § 4.]

RCW 47.56.343 Additional Columbia river bridge--Revenue bonds.

Applicable Cases

The Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or

investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

[1961 c 13 § 47.56.343. Prior: 1955 c 152 § 5.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.345 Additional Columbia river bridge--Construction--Severability.

Applicable Cases

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.310 through 47.56.345. Nothing in RCW 47.56.310 through 47.56.345 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.310 through 47.56.345 for the uses and purposes herein set forth, and RCW 47.56.310 through 47.56.345 shall be additional to such existing statutes and concurrent therewith.

If any sentence, clause, or phrase of RCW 47.56.310 through 47.56.345 is held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause, or phrase of RCW 47.56.310 through 47.56.345.

The provisions of RCW 47.56.310 through 47.56.345 shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished.

[1984 c 7 § 276; 1961 c 13 § 47.56.345. Prior: 1955 c 152 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.360 Bridging Puget Sound, Hood Canal--Operation, maintenance, prior charge upon revenue--Appropriations to be repaid.

Applicable Cases

All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority, together with the sum of two hundred twenty-five thousand dollars heretofore appropriated by section 19, chapter 259, Laws of 1951, shall be considered as a loan and repaid

by the authority to the motor vehicle fund upon the sale of bonds of any project.

[1961 c 13 § 47.56.360. Prior: 1953 c 78 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.366 Hood Canal bridge--Public sport fishing--Disclaimer of liability.

Applicable Cases

The department may permit public sport fishing from the Hood Canal bridge. The department may adopt rules governing public use of the bridge for sport fishing to the end that such activity shall not interfere with the primary use and operation of the bridge as a highway facility. Notwithstanding the provisions of RCW 4.92.090 or any other statute imposing liability upon the state of Washington, the state hereby disclaims any liability arising out of loss or injury in connection with the public use of the Hood Canal bridge for sport fishing purposes.

[1984 c 7 § 277; 1963 c 240 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.380 Express highway--Tacoma-Seattle-Everett--Limited access.

Applicable Cases

The department is authorized to study and if feasible, after approval by the transportation commission to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right of way shall be acquired as a limited access facility.

[1984 c 7 § 278; 1961 c 13 § 47.56.380. Prior: 1953 c 183 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.390 Express highway--Operation as toll highway--Part of state system.

Applicable Cases

The toll road, when completed, shall become a part of the state highway system but may be operated as a toll highway by the department until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945, have been fully paid.

[1984 c 7 § 279; 1961 c 13 § 47.56.390. Prior: 1953 c 183 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.400 Express highway--Powers and duties of department.

Applicable Cases

The department has the same powers, duties, and functions with respect to toll roads as the Washington toll bridge authority had with respect to toll bridges, and all the provisions of chapter 47.56 RCW apply to and govern toll roads insofar as is reasonably consistent and applicable, except as otherwise provided in RCW 47.56.380 through 47.56.400.

[1984 c 7 § 280; 1961 c 13 § 47.56.400. Prior: 1953 c 183 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.410 Lopez Island-San Juan toll bridge--Appropriation--Study--Location, exploration, foundation, design.

Applicable Cases

There is appropriated to the Washington toll bridge authority from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred seventy-five thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Twenty-five thousand dollars of the appropriation shall be available to study and make surveys, including traffic studies acceptable to prospective bond purchasers or investment firms, of the feasibility of the construction of a toll bridge between Lopez Island and San Juan Island in San Juan county so as to permit ferry runs from the mainland to Upright Head, overland travel from Upright Head to Roche Harbor, and ferry runs from Roche Harbor to Sidney, British Columbia. It shall be understood in such feasibility studies that San Juan county shall construct and maintain all road connections between the proposed bridge and the ferry landings at Upright Head and Roche Harbor.

(2) If as a result of the studies referred to above the toll bridge authority determines the project is feasible, and if San Juan county shall agree to sponsor such project and to conduct and maintain the road connections referred to above, one hundred fifty thousand dollars shall be available for the location, foundation exploration, and design of such bridge.

[1961 c 13 § 47.56.410. Prior: 1957 c 141 § 1.]

RCW 47.56.420 Lopez Island-San Juan toll bridge--Final designs, construction, revenue bonds authorized.

Applicable Cases

If the project is deemed feasible by the authority, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080 through 47.56.250, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months thereafter.

[1961 c 13 § 47.56.420. Prior: 1957 c 141 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.430 Lopez Island-San Juan toll bridge--Operation, maintenance, prior charge upon revenue--Appropriations to be repaid.

Applicable Cases

All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project.

[1961 c 13 § 47.56.430. Prior: 1957 c 141 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.440 Lopez Island-San Juan toll bridge--Effect of toll bridge authority resolution No. 295--Ferry system refunding revenue bonds.

Applicable Cases

Nothing authorized by RCW 47.56.410 through 47.56.440 shall be undertaken or done in any manner not in accord with any of the covenants and conditions contained in resolution No. 295 passed by the toll bridge authority on February 9, 1955, providing for the sale of Washington state ferry system refunding revenue bonds; and all things authorized by RCW 47.56.410 through 47.56.440, including but not limited to feasibility, studies, location, design, construction and financing, shall be performed in accordance with the covenants and conditions of said resolution. If the terms of such resolution shall require that tolls on the bridge authorized by RCW 47.56.410 through 47.56.440 be used to redeem outstanding bonds issued pursuant to said resolution, such tolls shall be so used.

[1961 c 13 § 47.56.440. Prior: 1957 c 141 § 4.]

RCW 47.56.450 Columbia river bridge at Biggs Rapids--Authorized--Cooperation with Klickitat county, highway commission, Oregon highway commission and Sherman county.

Applicable Cases

If the Washington toll bridge authority should conclude that the construction of a toll bridge across the Columbia river in the vicinity of Biggs Rapids is feasible as a result of studies presently being conducted, the authority is hereby authorized, in conjunction with Klickitat

county, the Washington state highway commission, the Oregon state highway commission, and Sherman county, Oregon, to design and construct a toll bridge at such location. All acts necessary to the design and construction of such bridge and approaches thereto may be done by the Washington toll bridge authority, Klickitat county, the Washington state highway commission, the Oregon state highway commission, Sherman county, Oregon, or any of such governmental agencies pursuant to agreement with the Washington toll bridge authority.

[1961 c 13 § 47.56.450. Prior: 1957 c 142 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.460 Columbia river bridge at Biggs Rapids--Appropriation--Repayment from bond issue.

Applicable Cases

There is appropriated from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary for the purpose of location, design, preparation of cost estimates, and all other things preliminary to the construction of such bridge. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project as provided in RCW 47.56.470.

[1961 c 13 § 47.56.460. Prior: 1957 c 142 § 2.]

RCW 47.56.470 Columbia river bridge at Biggs Rapids--Revenue bonds.

Applicable Cases

The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.56.450 through 47.56.500, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face

thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

[1961 c 13 § 47.56.470. Prior: 1957 c 142 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.480 Columbia river bridge at Biggs Rapids--Construction of act.

Applicable Cases

The provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.450 through 47.56.500. Nothing in RCW 47.56.450 through 47.56.500 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.450 through 47.56.500 for the uses and purposes herein set forth, and RCW 47.56.450 through 47.56.500 shall be additional to such existing statutes and concurrent therewith.

[1961 c 13 § 47.56.480. Prior: 1957 c 142 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.490 Columbia river bridge at Biggs Rapids--Powers of department--Tolls.

Applicable Cases

The department is authorized to operate and to assume the full control of the toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of the bridge for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction, maintenance, repair, and operation of the bridge and approaches in both states, and for the payment of the principal of and interest on its revenue bonds as authorized by RCW 47.56.470.

[1984 c 7 § 281; 1961 c 13 § 47.56.490. Prior: 1957 c 142 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.500 Columbia river bridge at Biggs Rapids--Agreements authorized.

Applicable Cases

The Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to enter into such agreement with each other, the Oregon state highway commission and Sherman county, Oregon, as they shall find necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500; and the Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to do any and all acts contained in such agreement and necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500.

Such agreement shall include, but shall not be restricted to the following provisions:

(1) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of such bridge and approaches thereto, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of such bridge and to disburse the revenue derived therefrom for the expenses of maintenance and operation and repair thereof, all costs of construction, and the payment of principal and interest on any revenue bonds herein provided for.

(2) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon such toll bridge.

(3) A provision that the Washington toll bridge authority, after consultation with the other governmental agencies who are parties to such agreement, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridge, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridge and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to RCW 47.56.450 through 47.56.500 shall have been fully paid and redeemed.

(4) A provision that all acts pertaining to the design and construction of such toll bridge may be done and performed by the Oregon state highway commission, the Washington state highway commission or the Washington toll bridge authority, or any of them, and that any and all contracts for the construction of such toll bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission or its toll bridge authority, or all of them.

(5) A provision that the state of Washington, the state of Oregon, and all governmental agencies party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such

agreement.

(6) A provision that during the period of operation of such bridge and approaches thereto as a toll facility all maintenance and repair may be performed by either the Oregon state highway commission or the Washington state highway commission with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on such bridge.

[1961 c 13 § 47.56.500. Prior: 1957 c 142 § 6.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority and highway commission transferred to department of transportation; see RCW 47.01.031. Terms "Washington toll bridge authority" and "Washington state highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.580 Naches Pass tunnel--What studies and surveys shall include.

Applicable Cases

Such studies and surveys shall include but shall not be confined to the following:

- (1) The most desirable design, tunnel approaches, and connecting roads;
- (2) The most desirable location;
- (3) The cost of construction and the length of construction time required;
- (4) The financial feasibility of the tunnel and the amount, if any, of supplementary aid required to finance it;
- (5) The relative economic benefit to counties, cities, or other political subdivisions to be principally served by construction of the tunnel;
- (6) The benefit to the state highway system, taking into account the statewide interest in the tunnel and the estimated additional motor vehicle fuel tax revenue which would accrue to the motor vehicle fund as a result of the construction of the tunnel.

[1961 c 13 § 47.56.580. Prior: 1959 c 292 § 2.]

RCW 47.56.590 Naches Pass tunnel--Plan for financing.

Applicable Cases

Upon the completion of such studies and surveys, the highway commission and the toll bridge authority, in cooperation with the joint fact-finding committee on highways, streets and bridges, shall prepare a plan for financing the project. The plan shall include the cost of the entire project; the portion of such total cost which can be financed by the issuance of toll bridge authority revenue bonds; the portion of such total cost and the amount of guarantee funds which should be contributed or advanced by any political subdivisions to be economically benefited by construction of the project; and the portion of such total cost and the amount of guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes. When completed, the financing plan shall be adopted by resolution of the commission and the authority.

[1961 c 13 § 47.56.590. Prior: 1959 c 292 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "highway commission" and "toll bridge authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.600 Naches Pass tunnel--Design.

Applicable Cases

Upon adoption of the financing plan the commission and the authority, acting jointly, shall forthwith proceed to make the design for the entire project.

[1961 c 13 § 47.56.600. Prior: 1959 c 292 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "commission" and "authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.610 Naches Pass tunnel--Contribution by political subdivisions.

Applicable Cases

After adoption of the financing plan, the authority and the highway commission, acting jointly, shall request any political subdivision which will be benefited by the construction of the project, to advance or contribute money or bonds toward the expenses of construction or to guarantee toll bridge authority revenue bonds to be issued to finance the project.

[1961 c 13 § 47.56.610. Prior: 1959 c 292 § 5.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "authority," "toll bridge authority," and "highway commission" mean department of transportation; see RCW 47.04.015.

RCW 47.56.630 Naches Pass tunnel--Repayment to motor vehicle fund of funds appropriated.

Applicable Cases

All funds herein appropriated from the motor vehicle fund to the Washington state highway commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project.

[1961 c 13 § 47.56.630. Prior: 1959 c 292 § 7.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and

"Washington toll bridge authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.631 Naches Pass tunnel--Additional studies--Route of highway and tunnel--Appropriation.

Applicable Cases

The Washington toll bridge authority is authorized and directed to make all necessary traffic studies, acceptable to prospective bond purchasers or investment firms to determine the amount of subsidy or other financial assistance necessary to make feasible the construction of a toll highway and tunnel on primary state highway 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways. Said highway and tunnel project shall start on state highway 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park; thence to the east portal; thence following the north fork of the Little Naches river to the Little Naches river; thence down to its junction with the Bumping river at state highway 5.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963 the sum of fifty thousand dollars to carry out the provisions of this section.

[1961 ex.s. c 21 § 18.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.640 Bridging lower Columbia river in vicinity of Astoria-Megler.

Applicable Cases

The Washington state highway commission is hereby authorized in conjunction with the Oregon state highway commission to erect a bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river in the vicinity of Astoria, Oregon and Megler, Washington. Such bridge shall be an integral part of U. S. highway No. 101 and to the Oregon boundary shall be a part of primary state highway No. 12. All acts necessary to the design and construction of said new bridge and approaches thereto may be done and performed by either the Oregon state highway commission or the Washington state highway commission with the approval of the other or by both of them jointly.

[1961 c 209 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.643 Bridging lower Columbia river in vicinity of Astoria-Megler--Agreements with United States--Acceptance of public or private funds.

Applicable Cases

In order to carry out the provisions of RCW 47.56.640 through 47.56.667 the Washington state highway commission may consult, cooperate and enter into agreements with the government of the United States or any of its agencies and accept and expend moneys from any public or private source, including the government of the United States or any political subdivision, which is now or may be made available for carrying out the purposes contained in RCW 47.56.640 through 47.56.667.

[1961 c 209 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.646 Bridging lower Columbia river in vicinity of Astoria-Megler--Agreements with Oregon--Provisions for Oregon bond issue, powers and duties of both states, tolls, apportionment of costs, etc.

Applicable Cases

Subject to the conditions stated in RCW 47.56.658, the Washington state highway commission is hereby authorized to enter into such agreements with the Oregon state highway commission as it shall find necessary or convenient to carry out the purposes of RCW 47.56.640 through 47.56.667.

Any such agreements shall include, but shall not be limited to, the following:

(1) A provision that the state of Oregon or the Oregon state highway commission shall issue general obligation bonds in the aggregate principal sum of not to exceed twenty-four million dollars par value or so much thereof as shall be required to pay all costs of location and construction of said bridge, but excluding costs of location, relocation, improvement, construction or reconstruction of approaches as the same are shown and described in "A Report On a Proposed Bridge Across the Columbia River," prepared by the Oregon and Washington state highway commissions, dated January, 1959. In determining the amount of money required for construction, there shall be taken into account all available financial contributions for such construction costs, of whatever description and from whatever source.

(2) A provision that to the extent that revenues derived from the imposition and collection of tolls and franchise fees for the use of the bridge in any year are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by Oregon or any subsequent refunding bond issues, the state of Oregon will pay the first one hundred thousand dollars of such deficit and the state of Washington is bound to

pay, when due, forty percent of the balance of such deficit for such year from any moneys in the motor vehicle fund not otherwise pledged or from any other source available to the Washington state highway commission for said purpose: PROVIDED, That in no case shall the portion of such deficit paid by the state of Washington exceed two hundred thousand dollars in any such year.

(3) A provision that the Oregon state highway commission shall assume and have complete responsibility for the operation of the bridge as a toll facility and each portion thereof, whether within or without the borders of Washington and with full power in the Oregon state highway commission to impose and collect all toll charges and franchise fees from the users of said bridge and to disburse the revenue derived therefrom for the following purposes in the following order:

(a) Payment of all costs of toll collection and insurance in the event the bridge is insured.

(b) Payment of the principal, interest and other charges incidental to the issuance, sale and retirement of the bonds herein provided for including any subsequent refunding bonds.

(4) A provision that the Oregon state highway commission, after consultation with the Washington state highway commission shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Washington state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed.

(5) A provision that all acts pertaining to the design and construction of said bridge may be done and performed by the Oregon state highway commission or the Washington state highway commission with the approval of the other, or by both, and that any and all contracts for the construction of the bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission, or both: PROVIDED, HOWEVER, That there shall be a further provision that each state shall have full power to design and construct approaches to the bridge within the respective boundaries of each state. Such approaches shall constitute a part of the state highways system of each state and the cost of design, right of way and construction thereof shall be borne by the respective states from any funds available for such purposes. In the event design or construction of approaches is included in any contract for the construction of the bridge, the cost of such approaches within the respective boundaries of each state shall be segregated and paid for by the respective states.

Any such agreements may include, but shall not be limited to the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred subsequent to March 1, 1961 for any of the purposes for which said bonds may be issued by the state of Oregon, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington

state highway commission.

(2) A provision that during the period of operation of said bridge as a toll facility all or any part of the maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington state highway commission with a provision for payment of the costs of such maintenance and repair one-half from the Oregon state highway commission and one-half from the Washington state highway commission.

[1961 c 209 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission and toll bridge authority transferred to department of transportation; see RCW 47.01.031. Terms "Washington state highway commission" and "Washington toll bridge authority" mean department of transportation; see RCW 47.04.015.

RCW 47.56.649 Bridging lower Columbia river in vicinity of Astoria-Megler--Use of Washington motor vehicle fuel taxes, motor vehicle fund to pay Oregon bonds if tolls and fees insufficient.

Applicable Cases

To the extent that all revenues from the imposition and collection of tolls and franchise fees for use of the bridge are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by the state of Oregon in connection with this project, or on any subsequent refunding bond issues, there is hereby imposed, to the extent provided in first subsection (2) of RCW 47.56.646, a first and prior charge against all revenues hereafter derived from the proceeds of state excise taxes on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund available for state highway commission purposes.

To the extent that revenues of the project are insufficient to meet required payments of principal, interest and other charges incidental to the issuance, sale and retirement of bonds, the Washington state highway commission shall use moneys in the motor vehicle fund to pay its share of such deficits.

[1961 c 209 § 4.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.652 Bridging lower Columbia river in vicinity of Astoria-Megler--Procedure for this state paying deficiency in tolls and fees for Oregon bond issue.

Applicable Cases

The payments provided for in RCW 47.56.649, as they come due, shall be authorized by the Washington state highway commission and paid by warrants signed by the state treasurer,

upon the duly verified itemized statements of the Oregon state highway commission showing the amount due from the state of Washington required to meet its share of any deficit computed as provided in [first] subsection (2) of RCW 47.56.646.

[1961 c 209 § 5.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.655 Bridging lower Columbia river in vicinity of Astoria-Megler--Washington liability for costs--Maintenance and repair--Approaches.

Applicable Cases

The Washington state highway commission shall pay one-half of all costs of maintenance and repair of said bridge from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways. The Washington state highway commission shall pay for the costs of design, right of way and construction of approaches to said bridge within the boundaries of the state of Washington from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways or from any other funds available for said purpose.

[1961 c 209 § 6.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.658 Bridging lower Columbia river in vicinity of Astoria-Megler--Financial responsibility of Pacific county--Prior commitment required.

Applicable Cases

The Washington state highway commission shall not enter into agreements with the Oregon state highway commission for the construction of the toll bridge over the lower Columbia river as authorized by RCW 47.56.646 unless and until:

Pacific county has, at the request of the state highway commission, contributed or properly authorized the contribution of money or bonds in the sum of one hundred eighty-five thousand dollars or so much thereof as may be necessary to reimburse the Washington state highway commission for costs of design and construction of the approaches to said bridge within the boundaries of the state of Washington, such contribution to be made by any of the methods authorized in RCW 47.56.250.

[1969 ex.s. c 281 § 52; 1961 c 209 § 7.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.659 Bridging lower Columbia river in vicinity of Astoria-Megler--Contractual obligations of Pacific county terminated.

Applicable Cases

All accrued and unaccrued obligations of Pacific county created by that certain contract between the Washington state highway commission and Pacific county dated June 20, 1961, entered into pursuant to *subsection (2) of RCW 47.56.658 are hereby terminated.

[1969 ex.s. c 281 § 53.]

Notes:

***Reviser's note:** Subsection (2) of RCW 47.56.658 was deleted by 1969 ex.s. c 281 § 52.

RCW 47.56.661 Bridging lower Columbia river in vicinity of Astoria-Megler--Deposit of contribution of Pacific county in motor vehicle fund--Use.

Applicable Cases

In the event Pacific county makes the contribution authorized in *subsection (1) of RCW 47.56.658, such contribution shall be placed in the motor vehicle fund and shall be available for state highway purposes.

[1961 c 209 § 8.]

Notes:

***Reviser's note:** Subsection (1) of RCW 47.56.658 became the second paragraph of RCW 47.56.658 when subsection (2) of RCW 47.56.658 was deleted by 1969 ex.s. c 281 § 52.

RCW 47.56.667 Bridging lower Columbia river in vicinity of Astoria-Megler--When toll free.

Applicable Cases

The bridge herein provided for shall be operated as a toll-free bridge whenever the bonds to be issued by the state of Oregon together with interest thereon have been fully paid, unless the state of Washington and the state of Oregon hereafter agree through their highway commissions that tolls shall be retained on the bridge to repay in whole or in part the respective states for moneys advanced to pay principal or interest on the bonds issued by the state of Oregon.

[1961 c 209 § 10.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of

transportation; see RCW 47.01.031. Term "highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.56.700 Columbia river, Vernita bridge and highway approach from Richland--Authorized.

Applicable Cases

If the Washington toll bridge authority shall conclude that the construction of a toll bridge across the Columbia river in the vicinity of Vernita, including approaches, and a highway approach from the vicinity of Richland to said toll bridge, are feasible, the authority is hereby authorized to make all surveys, design and construct said toll bridge and approaches.

[1963 c 197 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.701 Columbia river, Vernita bridge and highway approach from Richland--Revenue bonds--Tolls and charges.

Applicable Cases

The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, and the highway approach from the vicinity of Richland to said bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW *47.20.410, 47.20.415, and 47.56.700 through 47.56.706, the provisions of RCW 47.56.130 through 47.56.245 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll bridge and from that portion of the motor vehicle fund as provided in RCW 47.56.702. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll bridge and from any interest which

may be earned from the deposit or investment of any such revenues and such sums as are pledged from the motor vehicle fund as provided in RCW 47.56.702, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they, together with said pledge from the motor vehicle fund, will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Until all of said bonds are fully paid and until the motor vehicle fund is fully reimbursed for all sums advanced therefrom to pay principal and interest on said bonds or any subsequent refunding bond issue, the tolls charged for the use of said facility shall never be reduced below the sums specified in the following schedule:

For every combination of vehicles and for buses having a seating capacity for over fifteen persons.	\$0.75
For all trucks licensed for a maximum gross load of over 8,000 lbs. other than a combination of vehicles and all buses having a seating capacity for less than sixteen persons.	\$0.50
For all other motor vehicles not specified above and for motorcycles.	\$0.25

[1963 c 197 § 2.]

Notes:

Reviser's note: *(1) RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178; RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

(2) Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

RCW 47.56.702 Columbia river, Vernita bridge and highway approach from Richland--Pledge of excise taxes imposed on motor vehicle fuels.

Applicable Cases

The department may pledge the proceeds of all excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund and which are available for appropriation to the department for state highway purposes in the sum of one hundred thousand dollars per year for the purpose of guaranteeing the payment of principal and interest on bonds issued by the authority as authorized in RCW 47.56.701 or for sinking fund requirements or reserves established by the authority with respect thereto or for guaranteeing the payment of principal and interest on any subsequent refunding bond issues. To the extent of any such pledge the department shall use such moneys to meet such obligations as they arise but only to the extent

that net revenues of the project are insufficient therefor.

[1984 c 7 § 282; 1963 c 197 § 3.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "toll bridge authority" means department of transportation; see RCW 47.04.015.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.703 Columbia river, Vernita bridge and highway approach from Richland--Continued imposition of such taxes.

Applicable Cases

Whenever the department has made a pledge of motor vehicle funds as authorized in RCW 47.56.702 the legislature agrees to continue to impose excise taxes on motor vehicle fuels, and there is imposed a first and prior charge thereon, in amounts sufficient to provide the department with funds necessary to enable it to comply with the pledge.

[1984 c 7 § 283; 1963 c 197 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.704 Columbia river, Vernita bridge and highway approach from Richland--Repayment of motor vehicle fund money--Continuation of tolls.

Applicable Cases

Any money from the motor vehicle fund used by the department for payment of expenses of location, maintenance, repair, and operation of the bridge and approaches and highway approach, and principal or interest on any bonds issued pursuant to RCW 47.56.701 or any subsequent refunding bond issue shall be repaid to the motor vehicle fund to be used for state highway purposes from revenues of the project, and tolls shall be continued for any additional length of time necessary for this purpose.

[1984 c 7 § 284; 1963 c 197 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.705 Columbia river, Vernita bridge and highway approach from Richland--Facility to be part of highway system--Operation, collection of tolls.

Applicable Cases

The toll facility, when completed, shall become a part of the state highway system and the department is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the department for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in RCW 47.56.702, shall be sufficient to pay all costs and incidental expenses of location,

construction, maintenance, repair, and operation of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under *RCW 47.20.415 and 47.56.700 through 47.56.706.

[1983 c 3 § 131; 1963 c 197 § 6.]

Notes:

***Reviser's note:** RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

RCW 47.56.706 Columbia river, Vernita bridge and highway approach from Richland--Laws applicable--Construction of 1963 statute.

Applicable Cases

Except as specifically provided in *RCW 47.20.415 and 47.56.700 through 47.56.706, the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of *RCW 47.20.415 and 47.56.700 through 47.56.706. Nothing in *RCW 47.20.415 and 47.56.700 through 47.56.706 is intended to amend, alter, modify, or repeal any of the provisions of any statute relating to the powers and duties of the department except as such powers and duties are amplified or modified by the special provisions of *RCW 47.20.415 and 47.56.700 through 47.56.706 for the uses and purposes herein set forth, and the provisions of *RCW 47.20.415 and 47.56.700 through 47.56.706 shall be additional to such existing statutes and concurrent therewith.

[1983 c 3 § 132; 1963 c 197 § 7.]

Notes:

***Reviser's note:** RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

RCW 47.56.711 Spokane river bridges.

Applicable Cases

The state highway bridge across the Spokane river in the vicinity of Trent Avenue in Spokane shall be known and designated as the James E. Keefe bridge.

After September 1, 1990, ownership of the Spokane river toll bridge, known as the Maple Street bridge, shall revert to the city of Spokane.

[1990 c 42 § 401; 1979 c 131 § 1.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--1979 c 131: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 131 § 11.]

RCW 47.56.7115 Spokane river toll bridge--Operation and maintenance responsibility and

funding.

Applicable Cases

The city of Spokane shall be responsible for operating and maintaining the Spokane river toll bridge and the surrounding area except:

(1) The department of transportation shall remove the toll booths and restripe the approaches, as necessary, once the tolls have been removed.

(2) The department of transportation shall replace the bridge deck and upgrade the approaches. In order to accomplish this activity, the department of transportation shall pursue federal bridge replacement funds and the city of Spokane shall contribute three hundred thousand dollars towards the required matching funds.

[1990 c 42 § 402.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 47.56.7125 Spokane river toll bridge--Transfer of funds.

Applicable Cases

The state treasurer shall transfer all remaining funds in the Spokane river toll bridge revenue account to the motor vehicle fund to be used for the following purposes:

(1) Repay existing loans from the motor vehicle fund to the Spokane river toll bridge revenue account in the amount of six hundred sixteen thousand two dollars and thirty-three cents;

(2) Fund removal of toll booths and associated repairs on the Spokane river toll bridge; and

(3) Fund preliminary engineering of the bridge deck replacement on the Spokane river toll bridge.

Any remaining funds are reserved to provide matching funds for federal bridge replacement funds to replace the bridge deck in the 1991-93 biennium.

[1990 c 42 § 404.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 47.56.720 Puget Island-Westport ferry--Payments for operation and maintenance to Wahkiakum county--Toll-free operation and provision of rest room facilities, when.

Applicable Cases

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The department is hereby authorized to enter into a continuing agreement with

Wahkiakum county pursuant to which the department shall pay to Wahkiakum county from moneys appropriated for such purpose monthly amounts not to exceed eighty percent of the operating and maintenance deficit with a maximum not to exceed the amount appropriated for that biennium to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1992.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the department. If eighty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the department upon the receipt of a properly executed voucher. The total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium. The fares established by the county shall be comparable to those used for similar runs on the state ferry system.

(4) Whenever, subsequent to June 9, 1977, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48 RCW due to actual or potential slide conditions and there is no suitable, reasonably short alternate state route provided, Wahkiakum county is authorized to operate the Puget Island ferry on a toll-free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be one hundred percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal.

[1992 c 82 § 1; 1987 c 368 § 1; 1984 c 7 § 285; 1977 c 11 § 1; 1973 2nd ex.s. c 26 § 1; 1971 ex.s. c 254 § 1.]

Notes:

Effective date--1987 c 368: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 368 § 2.]

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1973 2nd ex.s. c 26: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1973." [1973 2nd ex.s. c 26 § 3.]

RCW 47.56.725 County ferries--Deficit reimbursements--Capital improvement funds.

Applicable Cases

(1) The department is hereby authorized to enter into a continuing agreement with Pierce, Skagit, and Whatcom counties pursuant to which the department shall, from time to time, direct the distribution to each of the counties the amounts authorized in subsection (2) of this section in accordance with RCW 46.68.090.

(2) The department is authorized to include in each agreement a provision for the distribution of funds to each county to reimburse the county for fifty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry system owned and operated by the county. The total amount to be reimbursed to Pierce, Skagit, and Whatcom counties collectively shall not exceed one million dollars in any biennium. Each county

agreement shall contain a requirement that the county shall maintain tolls on its ferries at least equal to tolls in place on January 1, 1990.

(3) The annual fiscal year operating and maintenance deficit, if any, shall be determined by Pierce, Skagit, and Whatcom counties subject to review and approval of the department. The annual fiscal year operating and maintenance deficit is defined as the total of operations and maintenance expenditures less the sum of ferry toll revenues and that portion of fuel tax revenue distributions which are attributable to the county ferry as determined by the department. Distribution of the amounts authorized by subsection (2) of this section by the state treasurer shall be directed by the department upon the receipt of properly executed vouchers from each county.

(4) The county road administration board may evaluate requests by Pierce, Skagit, Wahkiakum, and Whatcom counties for county ferry capital improvement funds. The board shall evaluate the requests and, if approved by a majority of the board, submit the requests to the legislature for funding out of the amounts available under RCW 46.68.090(1)(j). Any county making a request under this subsection shall first seek funding through the public works trust fund, or any other available revenue source, where appropriate.

[1999 c 269 § 12; 1991 c 310 § 1; 1984 c 7 § 286; 1977 c 51 § 2; 1975-76 2nd ex.s. c 57 § 2; 1975 1st ex.s. c 21 § 1.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1977 c 51: "This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1977." [1977 c 51 § 4.]

Severability--1977 c 51: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 c 51 § 3.]

RCW 47.56.730 "No Smoking" areas on ferries--Establishment directed.

Applicable Cases

The legislature finds that the public health, safety, and welfare require that "No Smoking" areas be established on all state ferries since there is a significant number of our citizens who are nonsmokers. The department is hereby authorized and directed to adopt rules pursuant to the administrative procedure act, chapter 34.05 RCW, to establish and clearly designate areas on all state operated ferries that are expressly reserved for use by nonsmokers.

[1984 c 7 § 287; 1974 ex.s. c 10 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.56.740 Columbia river bridge at Horn Rapids--Authorized--Approach routes.

Applicable Cases

Subject to the provisions of RCW 47.56.741, 47.56.742, and 47.56.743, the department

of transportation is hereby authorized and directed to make all necessary surveys and to design and construct a toll bridge across the Columbia river. The approaches to the toll bridge shall (1) extend from the bridge to state route number 240 on the west and may include the improvement of the Horn Rapids Road; (2) extend from the bridge easterly to state route number 395 and shall include the improvement of Alder Road; and (3) extend from a point on the easterly approach road southerly to state route number 182 and shall include the improvement of existing county roads.

[1981 c 327 § 1; 1979 ex.s. c 212 § 1.]

Notes:

Severability--1979 ex.s. c 212: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 212 § 21.]

RCW 47.56.741 Columbia river bridge at Horn Rapids--Agreements with local governments.

Applicable Cases

If the transportation commission concludes that construction of a toll bridge across the Columbia river at North Richland in the vicinity of the Horn Rapids Road, including approaches, is economically feasible, the department is authorized to enter into agreements with Richland, Benton county, and Franklin county in accordance with RCW 47.56.742.

[1979 ex.s. c 212 § 2.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.742 Columbia river bridge at Horn Rapids--Bonds--Agreements with local governments required.

Applicable Cases

The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches unless and until:

(1) Either Richland or Benton county separately or Richland and Benton county jointly agree with the department to maintain to standards prescribed by the department the westerly approach from the bridge to state route number 240 including sections of Horn Rapids Road so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding.

(2) Franklin county shall agree with the department to maintain to standards prescribed by the department the easterly approach from the bridge to state route number 395 and the approach from the easterly approach road southerly to state route number 182 so long as any bonds issued to pay for the construction of the toll bridge and its approaches remain outstanding.

[1981 c 327 § 2; 1979 ex.s. c 212 § 3.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.743 Columbia river bridge at Horn Rapids--Bonds--Plans for funding obligations of local governments required.

Applicable Cases

The transportation commission shall not request the issuance of any bonds for the construction of the toll bridge and its approaches until Benton and Franklin counties and Richland have adopted specific and acceptable plans to assure the funding of their respective obligations as established by the agreements authorized in RCW 47.56.742.

[1979 ex.s. c 212 § 4.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.744 Columbia river bridge at Horn Rapids--Agreements with United States--Acceptance of public or private funds.

Applicable Cases

In order to facilitate the financing of the toll bridge the department, Benton and Franklin counties, and Richland may consult, cooperate, and enter into agreements with the government of the United States or any of its agencies and accept and expend money from any public or private source which is now or may be available to assist in the construction of the bridge.

[1979 ex.s. c 212 § 5.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.745 Columbia river bridge at Horn Rapids--General obligation bonds authorized--Additional bonds authorized, restriction.

Applicable Cases

In order to provide funds for the construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, and to pay the interest on the bonds when due during construction and for a period not exceeding six months after the bridge is open to traffic, there shall be issued and sold general obligation bonds of the state of Washington in the principal amount of not to exceed eighty million dollars or such lesser amount thereof, at such times as may be determined to be necessary by the department of transportation. At the request of the transportation commission the state finance committee may issue additional general obligation bonds of the state of Washington ranking on a parity with the bonds authorized hereinabove and subject to the provisions of RCW 47.56.740 through 47.56.756 as now amended, to pay the cost of further improving the approaches to the bridge or adding additional bridge lanes or constructing a parallel bridge: PROVIDED, That such additional bonds shall not be issued without further express authorization of the legislature.

[1981 c 327 § 3; 1979 ex.s. c 212 § 6.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.746 Columbia river bridge at Horn Rapids--Bonds--Issuance, sale, retirement supervised by state finance committee.

Applicable Cases

The issuance, sale, and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the department of transportation shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as the department of transportation shall determine to be necessary to meet the purposes specified in RCW 47.56.745.

[1979 ex.s. c 212 § 7.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.747 Columbia river bridge at Horn Rapids--Bonds--Term--Terms and conditions--Signatures--Registration--Where payable--Negotiable instruments--Legal investment for state funds--Bond anticipation notes.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding thirty years from the date of issuance. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds and/or bond anticipation notes provided for in this section, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the fiscal agency of the state of Washington in Seattle or New York City as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder, unless registered, shall be fully negotiable instruments. The bonds shall be legal investments for all state funds or for funds under state control and all funds of municipal corporations.

At such time as a determination has been made to issue the general obligation bonds or a portion thereof as authorized in RCW 47.56.745, the state finance committee may, pending the issuance thereof, issue in the name of the state temporary notes in anticipation of the issuance of the bonds, which notes shall be designated as "bond anticipation notes." If, prior to the issuance of such bonds, it becomes necessary to redeem outstanding notes, additional bond anticipation notes may be issued to redeem such outstanding notes and to pay interest thereon. Such portion of the proceeds of the sale of the bonds as may be required for the payment of principal of and redemption premium, if any, and interest on the notes shall be applied thereto when the bonds are

issued.

[1979 ex.s. c 212 § 8.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.748 Columbia river bridge at Horn Rapids--Bonds--Bond proceeds--Deposit and use.

Applicable Cases

Except for that portion of the proceeds required to pay bond anticipation notes under RCW 47.56.747, and except as provided in RCW 47.56.750, the money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the Columbia river toll bridge account hereby created in the motor vehicle fund, and such money shall be available only for the purposes enumerated in RCW 47.56.745, for payment of the expense incurred in the issuance and sale of any such bonds and to repay the motor vehicle fund for any sums advanced to pay the cost of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches.

[1981 c 327 § 4; 1979 ex.s. c 212 § 9.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.749 Columbia river bridge at Horn Rapids--Bonds--Statement describing nature of obligation--Sources of payment.

Applicable Cases

Bonds and bond anticipation notes issued under the provisions of RCW 47.56.740 through 47.56.756 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in chapter 212, Laws of 1979 ex. sess. from the proceeds of state excise taxes on motor vehicles and special fuels imposed by chapters 82.36 and 82.38 RCW and from the tolls and revenues derived from the operation of such toll bridge.

[1995 c 274 § 15; 1979 ex.s. c 212 § 10.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.750 Columbia river bridge at Horn Rapids--Bonds--Account created in highway bond retirement fund--Deposit of revenue--Pledge of excise taxes--Repayment procedure--Legislative covenant.

Applicable Cases

There is hereby created in the highway bond retirement fund in the state treasury a special

account to be known as the Columbia river toll bridge account into which shall be deposited any capitalized interest from the proceeds of the bonds, and at least monthly all of the tolls and other revenues received from the operation of the toll bridge and from any interest which may be earned from the deposit or investment of these revenues after the payment of costs of operation, maintenance, management, and necessary repairs of the facility. The principal of and interest on the bonds shall be paid first from money deposited in the Columbia river toll bridge account in the highway bond retirement fund, and then, to the extent that money deposited in that account is insufficient to make any such payment when due, from the state excise taxes on motor vehicle and special fuels deposited in the highway bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the bonds if the money deposited in the Columbia river toll bridge account of the highway bond retirement fund is insufficient to make such payments. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional moneys as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the highway bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the state. If the proceeds from the excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments of the principal or interest taken from the motor vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first moneys distributed to the state not required for redemption of the bonds or interest thereon. The legislature covenants and pledges that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the bonds.

[1999 c 269 § 13; 1995 c 274 § 16; 1979 ex.s. c 212 § 11.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.751 Columbia river bridge at Horn Rapids--Operation by department of transportation--Amount and duration of tolls--Use of motor vehicle fund moneys--Priority of payments--Trust fund--Covenants by state finance committee.

Applicable Cases

- (1) The department of transportation is authorized to operate and assume full control of

the bridge and shall fix and maintain the tolls and charges in the manner provided by RCW 47.56.240 so that when collected they will produce revenues sufficient to pay all expenses of operating, maintaining, managing, and repairing the toll bridge including all insurance costs and the amounts required to pay the principal and interest on the bonds when due and to satisfy the other obligations set forth in RCW 47.56.740 through 47.56.756 and 47.56.220 as now or hereafter amended: PROVIDED, That revision of tolls and charges shall be determined by the department after considering the effect upon the traffic using the bridge and the projected revenues which will result from the increase of tolls and charges for the use of the bridge.

(2) To the extent that net revenues and income are insufficient to meet the required payments of principal and interest on bonds, the department shall use moneys pledged from the motor vehicle fund as provided in RCW 47.56.750.

(3) The payment of the principal of and the interest on the bonds shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon received from the use and operation of the Columbia river toll bridge, after the payment of all expenses of operating, maintaining, managing, and repairing the toll bridge, and such tolls and revenues together with interest earned thereon, and all other money deposited in the Columbia river toll bridge account in the highway bond redemption fund, shall constitute a trust fund for the security and payment of such bonds, or bonds refunding such bonds, and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

(4) The state finance committee may on behalf of the state make such covenants in connection with the bond proceedings or otherwise to assure the maintenance of the tolls and charges on the Columbia river toll bridge, the proper application thereof, the proper operation, maintenance, management, and repair of the bridge to provide for and secure the timely payment of the bonds. Such covenants shall be binding on the department of transportation and transportation commission.

[1979 ex.s. c 212 § 12.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.752 Columbia river bridge at Horn Rapids--Toll revenue trust fund--Transfer of surplus moneys.

Applicable Cases

All tolls or other revenues received from the operation of the Columbia toll bridge constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the department of transportation to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the Columbia river toll bridge, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

After provision has been made for payment of costs of operation, maintenance, management and necessary repairs of the facility, the surplus moneys available in the toll revenue

fund, or so much thereof as may be required, shall be transferred monthly to the Columbia river toll bridge account of the highway bond retirement fund to pay the principal of and interest on the bonds authorized by RCW 47.56.745.

[1979 ex.s. c 212 § 13.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.753 Columbia river bridge at Horn Rapids--Repayment of motor vehicle fund money--Continuation of tolls.

Applicable Cases

Any moneys from the motor vehicle fund used by the department for payment of expenses of location, maintenance, repair, and operation of the bridge and approaches, and principal or interest on any bonds issued pursuant to RCW 47.56.745, or any subsequent refunding bond issue, shall be repaid to the motor vehicle fund from revenues of the project after all such bonds have been retired. Tolls shall be continued for any additional length of time necessary for this purpose.

[1979 ex.s. c 212 § 14.]

Notes:

Appropriation, repayment to motor vehicle fund--1981 c 327: "There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1983, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the toll bridge described in RCW 47.56.740 as now amended together with its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund from the proceeds from the sale of bonds for this project." [1981 c 327 § 5.]

Appropriation, repayment to motor vehicle fund--1979 ex.s. c 212: "There is appropriated from the motor vehicle fund to the department of transportation for the biennium ending June 30, 1981, the sum of one million dollars, or so much thereof as may be necessary for the purpose of surveys, location, design, right of way, and all other things preliminary to the construction of the bridge and its approaches. All funds expended from this appropriation shall be considered a loan and shall be repaid to the motor vehicle fund upon the sale of bonds for this project." [1979 ex.s. c 212 § 20.]

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.754 Columbia river bridge at Horn Rapids--Ferries, urban arterials, Spokane river toll bridges, bonds--Lien against fuel tax revenues.

Applicable Cases

Except as otherwise provided by statute, the bonds issued under authority of RCW 47.56.745, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by chapter 5, Laws of 1979, and chapter 131, Laws of 1979, and any additional general obligation bonds of the state of Washington which may be authorized by the forty-sixth legislature or thereafter and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

[1979 ex.s. c 212 § 15.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.755 Columbia river bridge at Horn Rapids--When toll free--Conveyance to city or counties.

Applicable Cases

Upon the redemption of all bonds issued pursuant to RCW 47.56.745 and the repayment of all other obligations to the motor vehicle fund as authorized by RCW 47.56.753, the department of transportation shall remove the tolls and transfer the bridge and its approaches to the city and/or counties having jurisdiction thereof, and the bridge and its approaches shall become a county road or in part a county road and in part a city street. The bridge, its approaches, and right of way shall be conveyed to the city or counties by deed executed by the secretary of transportation.

[1979 ex.s. c 212 § 16.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.756 Additional bridge at Columbia Point authorized.

Applicable Cases

Notwithstanding the provisions of RCW 47.56.220 as now or hereafter amended, the department may design and construct an additional bridge across the Columbia river in the vicinity of Columbia Point.

[1979 ex.s. c 212 § 17.]

Notes:

Severability--1979 ex.s. c 212: See note following RCW 47.56.740.

RCW 47.56.760 First Avenue South bridge in Seattle--Study by commission--Bonds, tolls--Additional funding.

Applicable Cases

(1) The transportation commission is authorized to conduct a study, to be paid from category C funds, to determine the economic and operational feasibility and consistency with federal laws of constructing, entirely or in part with toll-financed revenue bonds, a new parallel bridge and approaches on First Avenue South in Seattle, together with reconstruction of approaches to the existing bridge and connections to existing city street systems as necessary.

(2) If the commission concludes that construction, entirely or in part with toll-financed revenue bonds, of the facilities described in subsection (1) of this section is economically and operationally feasible and consistent with federal law, the commission may:

(a) Issue and sell revenue bonds under the provisions of this chapter for the purpose of constructing the facilities described in subsection (1) of this section; and

(b) Impose and collect tolls on the facilities for the purpose of funding the revenue bonds issued under this section.

(3) The commission shall seek additional funding for the bridge from local sources, including the city, county, and port district. Any funding obtained from local sources shall be matched by an equal amount of category C state funds under chapter 47.05 RCW.

[1987 c 510 § 1.]

RCW 47.56.761 First Avenue South bridge in Seattle--Study by city--Tolls--Revenues.

Applicable Cases

The city of Seattle is authorized to conduct a study, to be paid for wholly from city funds, to determine the operational feasibility and consistency with federal law of charging tolls on the First Avenue South Bridge on State Route 99. The study is to be conducted in cooperation with the department of transportation. If the city of Seattle and the department of transportation determine that the charging of tolls is feasible and consistent with federal law, then the city is authorized to charge reasonable tolls and to construct, operate and maintain toll collection facilities on the bridge.

The toll collection revenues less the costs of collection shall be placed in a separate account solely for the purpose of financial participation with the state and other local governmental entities in the construction, when commenced by the department of transportation, of a new parallel bridge and approaches on First Avenue South in Seattle, together with reconstruction of approaches to the existing bridge and connections to existing city street systems as necessary. Interest generated by funds within the account shall be credited to that account in their entirety.

[1987 c 510 § 2.]

RCW 47.56.770 Refunding bonds--Authorized.

Applicable Cases

The state finance committee is authorized to issue refunding bonds and use other available money to refund, defease, and redeem all of those toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds under RCW 47.56.771 through 47.56.774.

[1993 c 4 § 2.]

Notes:

Legislative declaration--1993 c 4: "It is declared that it is in the best interest of the state to modify the debt service and reserve requirements, sources of payment, covenants, and other terms of the outstanding toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds." [1993 c 4 § 1.]

Effective date--1993 c 4: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [March 12, 1993]." [1993 c 4 § 11.]

RCW 47.56.771 Refunding bonds--General obligation--Signatures, negotiability--Payment of principal and interest--Pledge of excise taxes.

Applicable Cases

(1) The refunding bonds authorized under RCW 47.56.770 shall be general obligation bonds of the state of Washington and shall be issued in a total principal amount not to exceed fifteen million dollars. The exact amount of refunding bonds to be issued shall be determined by the state finance committee after calculating the amount of money deposited with the trustee for the bonds to be refunded which can be used to redeem or defease outstanding toll bridge authority, ferry, and Hood Canal bridge revenue bonds after the setting aside of sufficient money from that fund to pay the first interest installment on the refunding bonds. The refunding bonds shall be serial in form maturing at such time, in such amounts, having such denomination or denominations, redemption privileges, and having such terms and conditions as determined by the state finance committee. The last maturity date of the refunding bonds shall not be later than January 1, 2002.

(2) The refunding bonds shall be signed by the governor and the state treasurer under the seal of the state, which signatures shall be made manually or in printed facsimile. The bonds shall be registered in the name of the owner in accordance with chapter 39.46 RCW. The refunding bonds shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state, and shall contain an unconditional promise to pay the principal thereof and the interest thereon when due. The refunding bonds shall be fully negotiable instruments.

(3) The principal and interest on the refunding bonds shall be first payable in the manner provided in this section from the proceeds of state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW.

(4) The principal of and interest on the refunding bonds shall be paid first from the state excise taxes on motor vehicle and special fuels deposited in the ferry bond retirement fund. There is hereby pledged the proceeds of state excise taxes on motor vehicle and special fuels imposed under chapters 82.36 and 82.38 RCW to pay the refunding bonds and interest thereon, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on the refunding bonds. Not less than fifteen days prior to the date any interest or principal and interest payments are due, the state finance committee shall certify to the state treasurer such amount of additional money as may be required for debt service, and the treasurer shall thereupon transfer from the motor vehicle fund such amount from the proceeds of such excise taxes into the ferry bond retirement fund. Any proceeds of such excise taxes required for these purposes shall first be taken from that portion of the motor vehicle fund which results from the imposition of the excise taxes on motor vehicle and special fuels and which is distributed to the Puget Sound capital construction account. If the proceeds from excise taxes distributed to the state are ever insufficient to meet the required payments on principal or interest on the refunding bonds when due, the amount required to make the payments on the principal or interest shall next be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state, counties, cities, and towns pursuant to RCW 46.68.090. Any payments of the principal or interest taken from the motor

vehicle or special fuel tax revenues which are distributable to the counties, cities, and towns shall be repaid from the first money distributed to the state not required for redemption of the refunding bonds or interest thereon. The legislature covenants that it shall at all times provide sufficient revenues from the imposition of such excise taxes to pay the principal and interest due on the refunding bonds.

[1999 c 269 § 14; 1995 c 274 § 17; 1993 c 4 § 3.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.772 Refunding bonds--Liquidation of existing bond funds. (Effective until July 1, 2000.)

Applicable Cases

Upon the issuance of refunding bonds as authorized by RCW 47.56.770, the department of transportation may liquidate the existing bond fund and other funds and accounts established in the proceedings which authorized the issuance of the outstanding toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds and apply the money contained in those funds and accounts to the defeasance and redemption of outstanding toll bridge authority, ferry, and Hood Canal refunding revenue bonds, except that prior to such bond redemption, money sufficient to pay the first interest installment on the refunding bonds shall be deposited in the ferry bond retirement fund. Money remaining in such funds not used for such bond defeasance and redemption or first interest installment on the refunding bonds shall be transferred to and deposited in the marine operating fund under RCW 47.56.775.

[1993 c 4 § 4.]

Notes:

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.772 Refunding bonds--Liquidation of existing bond funds. (Effective July 1, 2000.)

Applicable Cases

Upon the issuance of refunding bonds as authorized by RCW 47.56.770, the department of transportation may liquidate the existing bond fund and other funds and accounts established in the proceedings which authorized the issuance of the outstanding toll bridge authority, ferry, and Hood Canal bridge refunding revenue bonds and apply the money contained in those funds and accounts to the defeasance and redemption of outstanding toll bridge authority, ferry, and Hood Canal refunding revenue bonds, except that prior to such bond redemption, money sufficient to pay the first interest installment on the refunding bonds shall be deposited in the ferry bond retirement fund. Money remaining in such funds not used for such bond defeasance and redemption or first interest installment on the refunding bonds shall be transferred to and

deposited in the Puget Sound ferry operations account created under RCW 47.60.530.

[1999 c 94 § 25; 1993 c 4 § 4.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.773 Refunding bonds--Repayment to Puget Sound capital construction account.

Applicable Cases

Any money appropriated from the Puget Sound capital construction account under section 10, chapter 4, Laws of 1993 and expended to pay expenses of issuing the refunding bonds authorized by RCW 47.56.770, and any money in the Puget Sound capital construction account subsequently used to pay principal and interest on the refunding bonds authorized by RCW 47.56.770 shall be repaid to the Puget Sound capital construction account for use by the department of transportation.

[1993 c 4 § 5.]

Notes:

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.774 Various bond issues--Charge against fuel tax revenues.

Applicable Cases

Except as otherwise provided by statute, the refunding bonds issued under authority of RCW 47.56.770, the bonds authorized by RCW 47.60.560 through 47.60.640, the bonds authorized by RCW 47.26.420 through 47.26.427, and any general obligation bonds of the state of Washington which have been or may be authorized by the legislature after the enactment of those sections and which pledge motor vehicle and special fuel excise taxes for the payment of principal thereof and interest thereon shall be an equal charge and lien against the revenues from such motor vehicle and special fuel excise taxes.

[1993 c 4 § 6.]

Notes:

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

RCW 47.56.775 Marine operating fund created. (Effective until July 1, 2000.)

Applicable Cases

The marine operating fund, temporarily created by section 39(1), chapter 15, Laws of 1991 sp. sess., is created in the state treasury.

[1993 c 4 § 7.]

Notes:

Legislative declaration--Effective date--1993 c 4: See notes following RCW 47.56.770.

Chapter 47.58 RCW
EXISTING AND ADDITIONAL BRIDGES

RCW

47.58.010	Improvement of existing bridge and construction of new bridge as single project--Agreement--Tolls.
47.58.020	Examinations and surveys--Preliminary expenses--Financing.
47.58.030	Construction, operation of bridges--Collection of tolls--Schedule of charges.
47.58.040	Revenue bonds--Form--Sale--Interim bonds--Deposit of proceeds.
47.58.050	Revenue bonds--Expenses includable--Conditions--Remedies of bondholders.
47.58.060	Bond resolution--Disposition of income and revenues.
47.58.070	Bonds legal investment for state moneys.
47.58.080	Eminent domain.
47.58.090	Study of projects--Specific authorization of construction and finance.
47.58.500	Manette bridge--Port Washington Narrows project.
47.58.900	Chapter provides additional method.

Notes:

Bridges over navigable waters: RCW 79.91.090 through 79.91.120.

RCW 47.58.010 Improvement of existing bridge and construction of new bridge as single project--Agreement--Tolls.

Applicable Cases

Whenever the legislature specifically authorizes, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge, including approaches, and the imposition of tolls on both bridges, the department is authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of the existing bridge and will be financed through the issuance of revenue bonds of the same series. The department has the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of the bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this chapter.

[1984 c 7 § 288; 1961 c 13 § 47.58.010. Prior: 1955 c 208 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.020 Examinations and surveys--Preliminary expenses--Financing.

Applicable Cases

For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of constructing any such additional bridge it is the duty of the department to make any examination, investigation, survey, or reconnaissance pertaining thereto. The cost of any such examination, investigation, survey, or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance, and sale of bonds under this chapter, shall be advanced by any interested municipality, agency, or department of the state of Washington. All such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the department through its operations hereunder for account of the project, as may be agreed upon between the department and the municipality, agency, or department.

[1984 c 7 § 289; 1961 c 13 § 47.58.020. Prior: 1955 c 208 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.030 Construction, operation of bridges--Collection of tolls--Schedule of charges.

Applicable Cases

The secretary shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for the services and facilities shall be fixed and revised from time to time by the commission so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance, and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of the revenue bonds at or prior to maturity. The charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, have been paid.

[1984 c 7 § 290; 1961 c 13 § 47.58.030. Prior: 1955 c 208 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.040 Revenue bonds--Form--Sale--Interim bonds--Deposit of proceeds.

Applicable Cases

For the purpose of paying the cost of all or any part of the improvement and reconstruction work and the construction of any additional bridge, approaches thereto, and connecting highways, the department is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the department and shall be payable from any funds available except revenue from the general fund, including but not limited to the revenues

and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the department shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor of the bond, and in the absence of an express recital on its face that the bond is nonnegotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state treasurer. The countersignature of the governor on the bonds and the signature of the state treasurer on the coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued as may be provided by the resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest, and after such advertising for bids as the department may deem proper, but it may reject any and all bids so submitted and thereafter sell the bonds so advertised under such terms and conditions as it deems advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which the bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the department.

[1984 c 7 § 291; 1973 c 106 § 27; 1970 ex.s. c 56 § 64; 1969 ex.s. c 232 § 78; 1961 c 102 § 1; 1961 c 13 § 47.58.040. Prior: 1955 c 208 § 4.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 47.58.050 Revenue bonds--Expenses includable--Conditions--Remedies of bondholders.

Applicable Cases

In determining the amount of bonds required to be issued, there may be included any expenses incurred or approved by the department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period and for six months thereafter, and a reasonable amount for initial operating expenses and

prepaid insurance. The department is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations, and conditions as it deems necessary with respect to the continued use and application of the revenues and income from the bridge or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding compel performance of any duties imposed upon any state department, official, or employee, including any duties imposed upon or undertaken by the department or its officers, agents, and employees in connection with any improvement or reconstruction work on any existing bridge, the construction of any additional bridge, including approaches and connecting highways provided to be so constructed, the maintenance and operation of the bridge or bridges and in connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and the revenues and income derived from the operation of the bridge or bridges.

[1984 c 7 § 292; 1961 c 13 § 47.58.050. Prior: 1955 c 208 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.060 Bond resolution--Disposition of income and revenues.

Applicable Cases

Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the department as a separate trust fund to be segregated and set apart for the payment of the revenue bonds, or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of the bonds.

[1984 c 7 § 293; 1961 c 13 § 47.58.060. Prior: 1955 c 208 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.070 Bonds legal investment for state moneys.

Applicable Cases

Notwithstanding any other provision of the law, bonds issued under this chapter shall be legal investments by the state investment board of any state moneys in its hands, except permanent school funds.

[1981 c 3 § 39; 1961 c 13 § 47.58.070. Prior: 1955 c 208 § 7.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 47.58.080 Eminent domain.

Applicable Cases

The department is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements, and other property of any person, firm, corporation, political subdivision, or other owner, deemed necessary or convenient for the construction, reconstruction, improvement, and operation of any project initiated and carried on by the department under this chapter. The proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state.

[1984 c 7 § 294; 1961 c 13 § 47.58.080. Prior: 1955 c 208 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.090 Study of projects--Specific authorization of construction and finance.

Applicable Cases

Under the provisions of this chapter, projects other than those specifically authorized herein involving existing bridges may be studied and analyzed by the department, and recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the department under the provisions of this chapter until further specific authorization therefor has been provided by the legislature.

[1984 c 7 § 295; 1961 c 13 § 47.58.090. Prior: 1955 c 208 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.58.500 Manette bridge--Port Washington Narrows project.

Applicable Cases

(1) The authority is especially authorized under the provisions of this chapter to reconstruct and improve the existing approaches and construct new approaches to the Manette bridge on secondary state highway 21-B in the city of Bremerton, and to construct an additional bridge, including approaches, over Port Washington Narrows in the vicinity of the said Manette bridge, at such exact location as may be selected by the director of highways, the state highway commission and the authority. Such project shall be known and designated as the Port Washington Narrows project and such new bridge and approaches when constructed shall be and become an integral part of the state highway system to be connected with and be a part of secondary state highway 21-B.

(2) The authority shall have the right to impose tolls for pedestrian and vehicular traffic over the existing Manette bridge, as well as such new bridge when constructed, for the purpose of paying the costs of reconstructing and improving approaches and constructing new approaches to the existing Manette bridge, constructing the new bridge in the vicinity thereof, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for account of such project, and to pay any and all costs and expenses incurred by the authority in connection with

and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter.

[1961 c 13 § 47.58.500. Prior: 1955 c 208 § 10.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority, highway commission, and director of highways transferred to department of transportation; see RCW 47.01.031. Terms "authority" and "state highway commission" mean department of transportation; term "director of highways" means secretary of transportation; see RCW 47.04.015.

RCW 47.58.900 Chapter provides additional method.

Applicable Cases

This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on June 8, 1955.

[1961 c 13 § 47.58.900. Prior: 1955 c 208 § 9.]

**Chapter 47.60 RCW
PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM**

RCW

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Notes:

Bridges across navigable waters: RCW 79.91.090 through 79.91.120.

Credit permits for vehicular passage: RCW 47.56.247, 47.56.248.

Sale, lease of unneeded toll facility, ferry system property--Franchises for utility, railway purposes: RCW 47.56.253 through 47.56.257.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

RCW 47.60.010 Ferry system, toll bridges, and facilities authorized--Power to contract, sell and lease back.

Applicable Cases

The department is authorized to acquire by lease, charter, contract, purchase, condemnation, or construction, and partly by any or all of such means, and to thereafter operate, improve, and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof, and connecting with the public streets and highways in the state. The system of ferries shall include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances as shall be determined by the department to be necessary

or desirable for efficient operation of the ferry system and best serve the public. The department may in like manner acquire by purchase, condemnation, or construction and include in the ferry system such toll bridges, approaches, and connecting roadways as may be deemed by the department advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition granted by this section, the department is empowered to enter into any contracts, agreements, or leases with any person, firm, or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the department or not.

The authority of the department to sell and lease back any state ferry, for federal tax purposes only, as authorized by 26 U.S.C., Sec. 168(f)(8) is confirmed. Legal title and all incidents of legal title to any ferry sold and leased back (except for the federal tax benefits attributable to the ownership thereof) shall remain in the state of Washington.

[1984 c 18 § 1; 1984 c 7 § 296; 1961 c 13 § 47.60.010. Prior: 1949 c 179 § 1; Rem. Supp. 1949 § 6584-30.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.013 Emergency powers of governor to insure continued operation of ferry and toll bridge system--Cost reimbursement.

Applicable Cases

The governor is authorized to take such actions as may be necessary to insure the continued operation of the Puget Sound ferry and toll bridge system under any emergency circumstances which threaten the continued operation of the system. In the event of such an emergency, the governor may assume all the powers granted by law to the transportation commission and department of transportation with respect to the ferry system. In addition, notwithstanding the provisions of chapters 47.60 and 47.64 RCW, the governor may contract with any qualified persons for the operation of the Washington state ferry system, or any part thereof, or for ferry service to be provided by privately owned vessels. Administrative costs to the office of the governor incurred in the exercise of this authority shall be reimbursed by the department.

[1981 c 341 § 1.]

Notes:

Severability--1981 c 341: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 341 § 2.]

RCW 47.60.015 "Washington State Ferries"--Name authorized.

Applicable Cases

The department is authorized to operate its ferry system under the name: "Washington State Ferries."

[1984 c 7 § 297; 1961 c 13 § 47.60.015. Prior: 1953 c 33 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.017 State ferry system a public mass transportation system.

Applicable Cases

The legislature finds and declares that the state ferry system is a public mass transportation system.

[1974 ex.s. c 105 § 1.]

RCW 47.60.020 Eminent domain--Condemnation proceedings.

Applicable Cases

For the purpose of carrying out any or all of the powers granted in this chapter, the department has the power of eminent domain for the acquisition of either real or personal property, used or useful for the Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW. The department may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action has jurisdiction to condemn property wherever located within the state. It shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in the proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section, the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court further has the power to issue such orders or process as are necessary to place the department into possession of any property condemned.

[1984 c 7 § 298; 1961 c 13 § 47.60.020. Prior: 1949 c 179 § 2; Rem. Supp. 1949 § 6584-31.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.030 Existing contracts--Prior negotiations and bids validated.

Applicable Cases

In any case where the department takes over any property or properties which are under lease, contract, or concession, or where the department has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this chapter, the department is authorized to continue in effect and carry out any such contract, lease, or concession or complete any such negotiation or accept any such bid or any modification of any of them which appears advantageous to the department without regard to any limitations or directions as to the manner thereof contained in this chapter. However, this section shall not be construed as requiring the department so to act, but this section is permissive only and then only in respect to contracts,

leases, concessions, negotiations, or bids existing, entered into, or received prior to April 1, 1949.

[1984 c 7 § 299; 1961 c 13 § 47.60.030. Prior: 1949 c 179 § 7; Rem. Supp. 1949 § 6584-36.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.040 Survey by department.

Applicable Cases

For the purpose of obtaining information for the consideration of the department upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this chapter, the department shall make any examination, investigation, survey, or reconnaissance for the determination of material facts pertaining thereto.

The cost of any such examination, investigation, survey, or reconnaissance, and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance, and sale of bonds under this chapter shall be borne by the department out of the motor vehicle fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to the motor vehicle fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the department through its operations hereunder.

[1984 c 7 § 300; 1961 c 13 § 47.60.040. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.050 Improvement of facilities--Financing.

Applicable Cases

Any facility that the department acquires or is authorized to acquire under the provisions of this chapter may be rehabilitated, rebuilt, enlarged, or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided.

[1984 c 7 § 301; 1961 c 13 § 47.60.050. Prior: 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.060 Revenue bonds authorized--Issuance--Conditions--Negotiability--Interim bonds.

Applicable Cases

For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation, or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches, and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging, or improving all or any part of the system, the department is authorized by resolution to issue its revenue bonds which shall constitute obligations only of the department and shall be payable solely and only from all or such part of the revenues from the operation of the system as

may be provided in and by the resolution.

Each revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that the bond does not constitute an indebtedness of the state of Washington.

The department is empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations, and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

The revenue bonds may bear such date or dates, may mature at such time or times as the department determines, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in the resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable, each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor, and any interest coupons appertaining thereto shall bear the signature of the state treasurer. The countersignature of the governor on the bonds and the signature of the state treasurer on the coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates, or receipts of any denomination and with or without coupons attached may be issued as may be provided by the resolution.

[1984 c 7 § 302; 1973 c 106 § 28; 1970 ex.s. c 56 § 65; 1969 ex.s. c 232 § 34; 1961 c 13 § 47.60.060. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Purpose--1970 ex.s. c 56: See note following RCW 39.52.020.

Validation--Saving--Severability--1969 ex.s. c 232: See notes following RCW 39.52.020.

RCW 47.60.080 Determining amount of bonds to be issued.

Applicable Cases

In determining the amount of bonds required to be issued there may be included any expenses incurred by the department in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance.

[1984 c 7 § 303; 1961 c 13 § 47.60.080. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.090 Sale of bonds--Deposit, disbursement of proceeds.

Applicable Cases

All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder after such advertising for bids as the department deems proper. However, the department may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as it deems most advantageous to its own interests. The purchase price of all bonds issued under this chapter shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which the bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the department.

[1984 c 7 § 304; 1961 c 13 § 47.60.090. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.100 Bonds are legal investment for state moneys.

Applicable Cases

Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state investment board of any state moneys in its hands, except permanent school funds and motor vehicle funds.

[1981 c 3 § 40; 1961 c 13 § 47.60.100. Prior: 1953 c 154 § 14; 1951 c 259 § 3; 1951 c 121 § 14; 1949 c 179 § 8; Rem. Supp. 1949 § 6584-37.]

Notes:

Effective dates--Severability--1981 c 3: See notes following RCW 43.33A.010.

RCW 47.60.110 Bondholders may compel performance.

Applicable Cases

The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system.

[1961 c 13 § 47.60.110. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

RCW 47.60.113 Refunding bonds--Authorization--Amount--Interest--Conditions.

Applicable Cases

The department is authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it deems best, any or all of its revenue bonds now or hereafter

outstanding, issued for the purpose of acquiring, constructing, or reconstructing any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of the toll facility. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging, or improving any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, and to pay all refunding costs and expenses and to provide adequate reserves for the toll facility and for any such refunding bonds. Various issues and series of such outstanding bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. The refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the department determines by resolution.

[1984 c 7 § 305; 1961 c 13 § 47.60.113. Prior: 1957 c 152 § 1; 1955 c 17 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.114 Refunding bonds--Payable from revenues.

Applicable Cases

Any refunding bonds authorized by this chapter constitute obligations of the department only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the toll bridge, toll road, toll tunnel, ferry system, or any other toll facility, as shall be provided in the resolution authorizing the issuance of the refunding bonds.

[1984 c 7 § 306; 1961 c 13 § 47.60.114. Prior: 1957 c 152 § 2; 1955 c 17 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.115 Refunding bonds--Disposition--Laws applicable.

Applicable Cases

The bonds herein authorized shall, in the discretion of the department, be exchanged at the best possible price for the bonds being refunded, or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, 47.60.080, 47.60.100, 47.60.110, and 47.60.120.

[1983 c 3 § 134; 1961 c 13 § 47.60.115. Prior: 1957 c 152 § 3; 1955 c 17 § 3.]

RCW 47.60.120 Other crossings--Infringement of existing franchises--Waivers.

Applicable Cases

(1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not

be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

[1993 c 427 § 1; 1984 c 7 § 307; 1961 c 13 § 47.60.120. Prior: 1949 c 179 § 6; Rem. Supp. 1949 § 6584-35.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.122 Ferries, terminal facilities--Interim revenue warrants authorized.

Applicable Cases

For the purpose of paying the cost of acquiring, constructing, or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the department is authorized to issue interim revenue warrants, which shall constitute obligations only of the department, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by the resolution. The warrants may be interest-bearing coupon warrants with a fixed maturity date, or may be interest-bearing registered warrants payable in order of their issuance whenever there is sufficient money in the fund upon which they were drawn to redeem any of them.

[1984 c 7 § 308; 1961 c 13 § 47.60.122. Prior: 1953 c 159 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.124 Revenue refunding bonds to redeem interim warrants.

Applicable Cases

If it is deemed advisable or found necessary to redeem any or all of such warrants, the department is authorized to issue its revenue refunding bonds for that purpose. The bonds shall constitute obligations only of the department, and shall not be obligations of the state of Washington. The refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance.

[1984 c 7 § 309; 1961 c 13 § 47.60.124. Prior: 1953 c 159 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.126 Interim warrants and refunding bonds--Laws applicable.

Applicable Cases

All provisions of chapter 47.60 RCW pertaining and applicable to the revenue bonds of the department authorized in that chapter are applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by RCW 47.60.122 through 47.60.126.

[1984 c 7 § 310; 1961 c 13 § 47.60.126. Prior: 1953 c 159 § 3.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.130 Unit or combined operation--Continuous project--Rental, charter, lease of system property--Sale of unneeded property.

Applicable Cases

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the department of transportation may determine, and such ferry system together with any toll bridge hereafter constructed by the department upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The department is empowered to rent, lease, or charter any property acquired under this chapter. If the department determines that any real property (including lands, improvements thereon, and any interests or estates) originally acquired for the ferry system is no longer required for the purposes of the ferry system, the department shall offer it for sale in the manner and with the authority authorized to the department by RCW 47.12.063 or 47.12.283. The secretary of transportation may adopt rules

further implementing this section. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

[1979 ex.s. c 189 § 6; 1973 1st ex.s. c 177 § 5; 1961 c 13 § 47.60.130. Prior: 1955 c 22 § 1; 1953 c 32 § 1; 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

Notes:

Effective date--1979 ex.s. c 189: See note following RCW 47.12.283.

RCW 47.60.135 Charter of state ferries for transporting hazardous materials.

Applicable Cases

(1) The charter use of Washington State Ferry vessels when established route operations and normal user requirements are not disrupted is permissible.

(2) Consistent with the policy as established in subsection (1) of this section, the general manager of the Washington State Ferries may approve agreements for the chartering of Washington State Ferry vessels to groups or individuals, including hazardous material transporters, in accordance with the following:

(a) Vessels may be committed to charter only when established route operation and normal user requirements are not disrupted or inconvenienced. If a vessel is engaged in the transport of hazardous materials, the transporter shall pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of Washington State Ferries.

(b) Charter rates for vessels must be established at actual vessel operating costs plus fifty percent of such actual costs rounded to the nearest fifty dollars. Actual vessel operating costs include, but are not limited to, all labor, fuel, and vessel maintenance costs incurred due to the charter agreement, including deadheading and standby.

(c) Recognizing the need for stabilized charter rates in order to encourage use of vessels, rates must be established and revised July 1st of each year and must remain fixed for a one-year period unless actual vessel operating costs increase five percent or more within that year, in which case the charter rates must be revised in accordance with (b) of this subsection.

(d) All charter agreements must be in writing and substantially in the form of (e) of this subsection and available, with calculations, for inspection by the legislature and the public.

(e) Parties chartering Washington State Ferry vessels shall comply with all applicable laws, rules, and regulations during the charter voyage, and failure to so comply is cause for immediate termination of the charter voyage.

"CHARTER CRUISE AGREEMENT

On this day of,, Washington State Ferries (WSF) and, hereinafter called Lessee, enter into this agreement for rental of a ferry vessel for the purpose of a charter voyage to be held on, the parties agree as follows:

1. WSF agrees to supply the vessel (subject to change) for the use of the Lessee

from the period from to on (date).

2. The maximum number of passengers; or in the case of hazardous materials transports, trucks and trailers; that will be accommodated on the assigned vessel is This number MAY NOT be exceeded.

3. The voyage will originate at, and the route of travel during the voyage will be as follows:

.....

4. The charge for the above voyage is dollars (\$) plus a property damage deposit of \$350 for a total price of \$, to be paid by cashier's check three working days before the date of the voyage at the offices of the WSF at Seattle Ferry Terminal, Pier 52, Seattle, Washington 98104. The Lessee remains responsible for property damage in excess of \$350.

5. WSF is responsible only for the navigational operation of the chartered ferry and in no way is responsible for directing voyage activities, providing equipment, or any food service.

6. Other than for hazardous materials transport, the voyage activities must be conducted exclusively on the passenger decks of the assigned ferry. Voyage patrons will not be permitted to enter the pilot house or the engine room, nor shall the vehicle decks be used for any purpose other than loading or unloading of voyage patrons or hazardous materials.

7. If the Lessee or any of the voyage patrons will possess or consume alcoholic beverages aboard the vessel, the Lessee must obtain the appropriate licenses or permits from the Washington State Liquor Control Board. The Lessee must furnish copies of any necessary licenses or permits to WSF at the same time payment for the voyage is made. Failure to comply with applicable laws, rules, and regulations of appropriate State and Federal agencies is cause for immediate termination of the voyage, and WSF shall retain all payments made as liquidated damages.

8. WSF is not obligated to provide shoreside parking for the vehicles belonging to voyage patrons.

9. The Lessee recognizes that the primary function of the WSF is for the cross-Sound transportation of the public and the maintaining of the existing schedule. The Lessee recognizes therefore the right of WSF to cancel a voyage commitment without liability to the Lessee due to unforeseen circumstances or events that require the use of the chartered vessel on its scheduled route operations. In the event of such a cancellation, WSF agrees to refund the entire amount of the charter fee to the Lessee.

10. The Lessee agrees to hold WSF harmless from, and shall process and defend at its own expense, all claims, demands, or suits at law or equity, of whatever nature brought against WSF arising in whole or in part from the performance of provisions of this agreement. This indemnity provision does not require the Lessee to defend or indemnify WSF against any action based solely on the alleged negligence of WSF.

11. This writing is the full agreement between the parties.

..... WASHINGTON STATE FERRIES

Lessee

By: By:
General Manager"

[1997 c 323 § 2.]

Notes:

Finding--1997 c 323: "The legislature finds that when established route operations and normal user requirements are not disrupted Washington state ferries may be used for the transportation of hazardous materials under the chartering procedures and rates described in RCW 47.60.135." [1997 c 323 § 1.]

RCW 47.60.140 System as self-liquidating undertaking--Powers of department--Concessions.

Applicable Cases

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, and landings, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its

initial investment. Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

[1995 1st sp.s. c 4 § 2; 1987 c 69 § 1; 1984 c 7 § 311; 1965 ex.s. c 170 § 58; 1961 c 13 § 47.60.140. Prior: 1951 c 259 § 1; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

Notes:

Effective date--1995 1st sp.s. c 4: See note following RCW 47.56.030.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.145 Historic ferries--Acquisition by qualified persons or organizations.

Applicable Cases

(1) An "historic ferry" is any vessel in the Washington state ferries fleet which has been listed in the Washington state register of historic places.

(2) When the department of transportation determines that an historic ferry is surplus to the needs of Washington state ferries, the department shall call for proposals from persons who wish to acquire the historic ferry. Proposals for the acquisition of an historic ferry shall be accepted only from persons or organizations that (a) are a governmental entity or a nonprofit corporation or association dedicated to the preservation of historic properties; (b) agree to a contract approved by the state historic preservation officer, which requires the preservation and maintenance of the historic ferry and provides that title to the ferry reverts to the state if the secretary of transportation determines that the contract has been violated; and (c) demonstrate the administrative and financial ability successfully to comply with the contract.

(3) The department shall evaluate the qualifying proposals and shall select the proposal which is most advantageous to the state. Factors to be considered in making the selection shall include but not be limited to:

- (a) Extent and quality of restoration;
- (b) Retention of original design and use;
- (c) Public access to the vessel;
- (d) Provisions for historical interpretation;
- (e) Monetary return to the state.

(4) If there are no qualifying proposals, an historic ferry shall be disposed of in the manner provided by state law.

[1982 c 210 § 1.]

Notes:

Severability--1982 c 210: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 210 § 2.]

Archaeology and historic preservation, office of: Chapter 27.34 RCW.

RCW 47.60.150 Fixing of charges--Deposit, segregation, and disbursement of revenues. (Effective until July 1, 2000.)

Applicable Cases

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account transferred to the ferry system revolving account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the department as a separate trust fund and to be segregated and disbursed upon order of the department: PROVIDED, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. No expenditure may be made from the revenue fund established under this section and the bond resolution without an appropriation by law. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

[1990 c 42 § 405. Prior: 1986 c 66 § 2; 1986 c 23 § 1; 1983 c 3 § 135; 1972 ex.s. c 24 § 5; 1961 c 13 § 47.60.150; prior: 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: *See notes following RCW 82.36.025.*

Effective date--1986 c 66: *"This act shall take effect July 1, 1987. The secretary of transportation may immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1986 c 66 § 14.]*

Effective date--1986 c 23: *"This act shall take effect on July 1, 1987. The secretary of transportation may immediately take such steps as may be necessary to insure that this act is implemented on its effective date." [1986 c 23 § 2.]*

RCW 47.60.150 Fixing of charges--Deposit of revenues. (Effective July 1, 2000.)

Applicable Cases

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the

tolls and other revenues deposited in the Puget Sound ferry operations account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the department and deposited into the Puget Sound ferry operations account. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

[1999 c 94 § 26; 1990 c 42 § 405. Prior: 1986 c 66 § 2; 1986 c 23 § 1; 1983 c 3 § 135; 1972 ex.s. c 24 § 5; 1961 c 13 § 47.60.150; prior: 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 66: "This act shall take effect July 1, 1987. The secretary of transportation may immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1986 c 66 § 14.]

Effective date--1986 c 23: "This act shall take effect on July 1, 1987. The secretary of transportation may immediately take such steps as may be necessary to insure that this act is implemented on its effective date." [1986 c 23 § 2.]

RCW 47.60.170 Ferries revolving fund--Deposit of excess funds.

Applicable Cases

Nothing in RCW 47.60.150 forbids the establishment by the department of a Washington state ferries revolving fund of not to exceed six hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. The fund may be deposited by the department in such banks or financial institutions as it may select throughout the state. RCW 43.01.050 does not apply to the fund or any deposits therein made by the department under this section. The department may deposit all moneys received under this chapter in the fund. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from the fund, if established, by check or voucher in such manner as may be prescribed by the department.

All moneys received by the department or any employee under the foregoing sections of this chapter, except an amount of petty cash for each day's needs as fixed by the regulation of the department, shall each day and as often during the day as advisable, be deposited in the nearest authorized depository selected by the department under this section.

Whenever the fund exceeds six hundred thousand dollars, the department shall forthwith transmit the excess to the state treasurer for deposit in the trust fund established by RCW 47.60.150.

[1984 c 7 § 313; 1970 ex.s. c 85 § 6; 1961 c 13 § 47.60.170. Prior: 1951 c 259 § 13.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1970 ex.s. c 85: See note following RCW 47.60.500.

RCW 47.60.200 Consent to liability not general liability of state.

Applicable Cases

Any consent to liability given under the provisions of this chapter creates liability of the department only and does not create any general liability of the state.

[1984 c 7 § 314; 1961 c 13 § 47.60.200. Prior: 1951 c 259 § 5.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.210 Seamen may sue for injuries--Venue.

Applicable Cases

The state consents to suits against the department by seamen for injuries occurring upon vessels of the department in accordance with the provisions of section 688, title 46, of the United States code. The venue of such actions may be in the superior court for Thurston county or the county where the injury occurred.

[1984 c 7 § 315; 1961 c 13 § 47.60.210. Prior: 1951 c 259 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.220 Department as common carrier--Rights and liabilities.

Applicable Cases

The department has all the obligations, duties, and rights of a common carrier of persons and property in its operation of ferries, terminals, or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission, or any other state or federal regulatory or governmental body and to comply with the lawful rules and regulations or requirements of any such body, and is subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported.

[1984 c 7 § 316; 1961 c 13 § 47.60.220. Prior: 1951 c 259 § 7.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.230 Liability for damages as to persons or property.

Applicable Cases

In case of property loss or damage or personal injuries or death resulting from the operation of any ferry or terminal by the department, any person or the personal representative of any person, subject to and to the extent hereinafter provided, has a right of action against the department for the damage, loss, injury, or death.

[1984 c 7 § 317; 1961 c 13 § 47.60.230. Prior: 1951 c 259 § 8.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.240 Liability to persons other than shippers or passengers--Limitation.

Applicable Cases

The right of action extended by this chapter is applicable to loss or damage of property and/or personal injury or death resulting from the operation of ferries or terminals by the department to persons other than shippers or passengers, but any recovery of damages in such cases shall not exceed an amount equal to the limitations of the insurance carried by the department to insure it against loss for such liability.

[1984 c 7 § 318; 1961 c 13 § 47.60.240. Prior: 1951 c 259 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.250 Claim for damages--Filing--Contents--Time limitations.

Applicable Cases

As a condition to a recovery thereon, a verified claim against the department growing out of such damages, loss, injuries, or death must first be presented to the department and filed with the secretary within one hundred twenty days after the time when the claim accrued. If the claimant is incapacitated from verifying and filing a claim within the one hundred twenty days, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by his or her relative, attorney, or agent. Each claim must accurately locate and describe the event or defect that caused the damage, loss, injury, or death, reasonably describe the damage, loss, or injury, and state the time when the damage, loss, or injury occurred, give the claimant's residence for the last six months, and contain the items of damages claimed. No action may be maintained against the department upon the claim until the claim has been presented to, and filed with, the department and sixty days have elapsed after the presentation and filing, nor more than three years after the claim accrued.

With respect to the content of the claims, this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

[1984 c 7 § 319; 1967 c 164 § 3; 1961 c 13 § 47.60.250. Prior: 1951 c 259 § 10.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Purpose--Severability--1967 c 164: See notes following RCW 4.96.010.

Claims against the state: Chapter 4.92 RCW.

RCW 47.60.260 Payment of claims.

Applicable Cases

The department may upon such terms and conditions as it may impose and under such rules as it may adopt, pay claims arising under its operation of ferries or terminals or compromise or settle the claims. No claim may be paid by the department or any settlement or compromise of it be made except from the operating revenues of the department derived from its operation of ferries or terminals or from the proceeds of insurance recoveries.

[1984 c 7 § 320; 1961 c 13 § 47.60.260. Prior: 1951 c 259 § 11.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.270 Venue of actions--Enforcement of judgment.

Applicable Cases

Actions for the recovery of damages under RCW 47.60.220 through 47.60.260 may be brought in Thurston county or in the county in which the aggrieved person resides. No execution upon a judgment or attachment may be levied against the property of the department, nor does the state consent to any maritime lien against vessels of the department, but the department may be required by order of court to pay any judgment.

[1984 c 7 § 321; 1961 c 13 § 47.60.270. Prior: 1951 c 259 § 12.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.275 Local law enforcement officers on ferries and terminals.

Applicable Cases

Law enforcement officers of cities, towns, and counties which are served by state ferries shall have, and are hereby authorized to exercise, concurrent jurisdiction and authority with state law enforcement officers in the enforcement of laws of the state and local governmental divisions at those state ferry terminals located within the respective governmental division served by such local law enforcement officers and on state ferries at the terminals and throughout the ferry runs, notwithstanding that the ferry may not be in the officer's governmental division.

[1969 ex.s. c 13 § 1.]

RCW 47.60.277 "No Smoking" areas on state ferries--Establishment directed.

Applicable Cases

See RCW 47.56.730.

RCW 47.60.280 Ferry service--Lummi Island to Orcas Island--Limitation on operation.

Applicable Cases

The department is authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The actual operation of the ferry service shall not begin until Whatcom county has completed the construction of such bridge.

[1984 c 7 § 322; 1961 c 13 § 47.60.280. Prior: 1959 c 198 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.282 Ferry service between Port Townsend and Keystone--Operation authorized, when.

Applicable Cases

The department is authorized to operate a ferry service between Port Townsend and Keystone on Admiralty Inlet if the certificate of convenience and necessity for the ferry operation is theretofore surrendered, rights thereunder are abandoned, and the ferry service is discontinued. In no event may the department undertake such a ferry service preceding events as set forth herein or before April 1, 1973.

[1984 c 7 § 323; 1972 ex.s. c 44 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.283 Ferry service between Port Townsend and Keystone--Purpose.

Applicable Cases

The purpose of RCW 47.60.282 and 47.60.283 is to provide service on the ferry route between Port Townsend and Keystone to be determined by the department. Operation of this route is necessary for the economic health, safety, and welfare of the people of the state. Additionally, state operation of this route will further benefit the people of the state by providing better access to important installations maintained by the United States Navy and the United States Coast Guard.

[1984 c 7 § 324; 1972 ex.s. c 44 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.290 State ferries--Review of tariffs and charges.

Applicable Cases

Subject to the provisions of RCW 47.60.326, the department is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state

ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

[1983 c 3 § 136; 1972 ex.s. c 24 § 6; 1961 c 13 § 47.60.290. Prior: 1959 c 199 § 1.]

RCW 47.60.300 State ferries--Scope of review--Periodic reviews required.

Applicable Cases

The review shall include but not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements of the department as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the department to be properly within the scope of the review. The department is further authorized and directed to make a like review within every three-year period.

[1984 c 7 § 325; 1961 c 13 § 47.60.300. Prior: 1959 c 199 § 2.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.310 State ferries--Local expressions--Ferry advisory committees.

Applicable Cases

(1) The department is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the department shall give prior notice of the review to the ferry advisory committees.

(2) The legislative authorities of San Juan, Skagit, Clallam, and Jefferson counties shall each appoint a committee to consist of five members to serve as an advisory committee to the department or its designated representative in such review. The legislative authorities of other counties that contain ferry terminals shall appoint ferry advisory committees consisting of three members for each terminal area in each county, except for Vashon Island, which shall have one committee, and its members shall be appointed by the Vashon/Maury Island community council. At least one person appointed to each ferry advisory committee shall be representative of an established ferry user group or of frequent users of the ferry system. Each member shall reside in the vicinity of the terminal that the advisory committee represents.

(3) The members of the San Juan, Clallam, and Jefferson county ferry advisory committees shall be appointed for four-year terms. The initial terms shall commence on July 1, 1982, and end on June 30, 1986. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. At least one person appointed to the advisory committee shall be representative of an established ferry-user group or of frequent users of the ferry system, at least one shall be representative of persons or firms using or depending upon the ferry system for

commerce, and one member shall be representative of a local government planning body or its staff. Every member shall be a resident of the county upon whose advisory committee he or she sits, and not more than three members shall at the time of their appointment be members of the same major political party.

(4) The members of each terminal area committee shall be appointed for four-year terms. The initial terms of the members of each terminal area committee shall be staggered as follows: All terms shall commence September 1, 1988, with one member's term expiring August 31, 1990, one member's term expiring August 31, 1991, and the remaining member's term expiring August 31, 1992. Any vacancy shall be filled for the remainder of the unexpired term by the appointing authority. Not more than two members of any terminal-area committee may be from the same political party at the time of their appointment, and in a county having more than one committee, the overall party representation shall be as nearly equal as possible.

(5) The chairmen of the several committees constitute an executive committee of the Washington state ferry users. The executive committee shall meet twice each year with representatives of the marine division of the department to review ferry system issues.

(6) The committees to be appointed by the county legislative authorities shall serve without fee or compensation.

[1988 c 100 § 1; 1983 c 15 § 24; 1983 c 3 § 137; 1977 c 29 § 1; 1961 c 13 § 47.60.310. Prior: 1959 c 199 § 3.]

Notes:

Severability--1983 c 15: See RCW 47.64.910.

RCW 47.60.326 Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission. (Effective until July 1, 2000.)

Applicable Cases

(1) *In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.*

(2) *Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.*

(3) *The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:*

- (a) *The amount of subsidy available to the ferry system for maintenance and operation;*
- (b) *The time and distance of ferry runs;*
- (c) *The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;*
- (d) *The efficient distribution of traffic between cross-sound routes;*

(e) *The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;*

(f) *The effect of proposed fares in increasing walk-on and vehicular passenger use;*

(g) *The effect of proposed fares in promoting all types of ferry use during nonpeak periods;*

(h) *Such other factors as prudent managers of a major ferry system would consider.*

(4) *If at any time during the biennium it appears that projected toll revenues from the ferry system, together with the transfer from the Puget Sound ferry operations account to the ferry system revolving account and any other operating subsidy available to the Washington state ferries, will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.*

(5) *The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.*

[1990 c 42 § 406; 1983 c 15 § 25; 1981 c 344 § 5.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--1983 c 15: See RCW 47.64.910.

Severability--1981 c 344: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 344 § 8.]

RCW 47.60.326 Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission. (Effective July 1, 2000.)

Applicable Cases

(1) *In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.*

(2) *Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to*

take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

- (a) The amount of subsidy available to the ferry system for maintenance and operation;
- (b) The time and distance of ferry runs;
- (c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;
- (d) The efficient distribution of traffic between cross-sound routes;
- (e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;
- (f) The effect of proposed fares in increasing walk-on and vehicular passenger use;
- (g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;
- (h) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

[1999 c 94 § 27; 1990 c 42 § 406; 1983 c 15 § 25; 1981 c 344 § 5.]

Notes:

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Severability--1983 c 15: See RCW 47.64.910.

Severability--1981 c 344: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1981 c 344 § 8.]

RCW 47.60.330 Public participation.

Applicable Cases

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department of transportation shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW

47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1) (a) or (c) of this section.

[1983 c 15 § 26.]

Notes:

Sections captions--Severability--1983 c 15: See RCW 47.64.900 and 47.64.910.

RCW 47.60.400 Refunding bonds authorized, 1961 Act.

Applicable Cases

The Washington toll bridge authority is authorized to issue revenue bonds to refund all or any part of the authority's outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds. With respect to the issuing of such bonds and the payment of principal and interest thereon, the payment into reserves, sinking funds, and the fixing and revision of charges for services and facilities of the system, and in managing all its fiscal operations, the authority shall have all the powers and shall follow the same procedures established for it under existing laws, except as otherwise provided herein.

[1986 c 66 § 3; 1961 ex.s. c 9 § 1.]

Notes:

Reviser's note: Powers, duties, and functions of toll bridge authority transferred to department of transportation; see RCW 47.01.031. Term "Washington toll bridge authority" means department of transportation; see RCW 47.04.015.

Effective date--1986 c 66: See note following RCW 47.60.150.

Appropriation--1961 ex.s. c 9: "There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, the sum of two million six hundred thousand dollars or so much thereof as may be necessary for the operation and maintenance of the Washington state ferries and the payments of principal and interest on outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds and payments into reserves thereof as required by resolutions adopted by the authority with respect to such bond issues. Whenever such bond issues shall be refunded, any unexpended part of this appropriation shall lapse." [1961 ex.s. c 9 § 8.]

RCW 47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Prior charge against Puget Sound capital construction account if ferry system revenues insufficient.

Applicable Cases

To the extent that all revenues from the Washington state ferry system available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued under RCW 47.60.400 through 47.60.450 and for sinking fund requirements established with respect thereto and for payment into such reserves as the department has established with respect to the securing of the bonds, there is imposed a first and prior charge against the Puget Sound capital construction account of the motor vehicle fund created by RCW 47.60.505 and, to the extent required, against all revenues required by RCW 46.68.090 to be deposited in the Puget Sound capital construction account.

To the extent that the revenues from the Washington state ferry system available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements, and payments into reserves, the department shall use moneys in the Puget Sound capital construction account for such purpose.

[1999 c 269 § 15; 1990 c 42 § 407; 1986 c 66 § 4; 1984 c 7 § 330; 1961 ex.s. c 9 § 3.]

Notes:

Effective date--1999 c 269: See note following RCW 36.78.070.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Agreement to continue imposition of certain taxes.

Applicable Cases

So long as any bonds issued as authorized herein are outstanding, the state hereby agrees to continue to impose at least one-quarter cent of motor vehicle fuel tax and one-quarter cent of special fuel tax required by law and to deposit the proceeds of these taxes in the Puget Sound capital construction account of the motor vehicle fund.

[1986 c 66 § 5; 1961 ex.s. c 9 § 4.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

RCW 47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Ferry system a revenue-producing undertaking--Debt service--Tolls on ferry system and Hood Canal bridge. (Effective until July 1, 2000.)

Applicable Cases

The Washington state ferry system shall be efficiently managed, operated, and

*maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.326 the commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and, if necessary to comply with bond covenants, on the Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account transferred to the ferry system revolving account for maintenance and operation and all moneys in the Puget Sound capital construction account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through *47.60.470.*

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

[1990 c 42 § 408; 1986 c 66 § 6; 1983 c 3 § 139; 1972 ex.s. c 24 § 7; 1963 ex.s. c 3 § 42; 1961 ex.s. c 9 § 5.]

Notes:

**Reviser's note: RCW 47.60.470 was repealed by 1998 c 245 § 176.*

***Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42:** See notes following RCW 82.36.025.*

***Effective date--1986 c 66:** See note following RCW 47.60.150.*

RCW 47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Ferry system a revenue-producing undertaking--Debt service--Tolls on ferry system and Hood Canal bridge. (Effective July 1, 2000.)

Applicable Cases

*The Washington state ferry system shall be efficiently managed, operated, and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.326 the commission shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system with other moneys deposited in the Puget Sound ferry operations account for maintenance and operation and all moneys in the Puget Sound capital construction account available for debt service will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements, and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through *47.60.470.*

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding

upon the commission but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

[1999 c 94 § 28; 1990 c 42 § 408; 1986 c 66 § 6; 1983 c 3 § 139; 1972 ex.s. c 24 § 7; 1963 ex.s. c 3 § 42; 1961 ex.s. c 9 § 5.]

Notes:

***Reviser's note:** RCW 47.60.470 was repealed by 1998 c 245 § 176.

Legislative finding--Effective dates--1999 c 94: See notes following RCW 43.84.092.

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

Effective date--1986 c 66: See note following RCW 47.60.150.

RCW 47.60.445 Hood Canal bridge--Tolls, upkeep costs.

Applicable Cases

Notwithstanding the provisions of RCW 47.56.240 and 47.56.245 the transportation commission shall not collect tolls on the Hood Canal bridge for any purpose except where necessary to comply with bond covenants.

The cost of maintenance, upkeep, and repair may be paid from funds appropriated for the construction and maintenance of the primary state highways of the state of Washington.

[1990 c 42 § 409.]

Notes:

Purpose--Headings--Severability--Effective dates--Application--Implementation--1990 c 42: See notes following RCW 82.36.025.

RCW 47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act--Revision of tolls to meet debt service.

Applicable Cases

If the net revenue together with all moneys in the Puget Sound capital construction account available for debt service in any fiscal year fail to meet minimum annual debt service for the year, as defined in RCW 47.60.440, the commission shall promptly revise the tolls and charges after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the commission in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of the engineering firm the increase would so reduce traffic that no net gain in revenue would result. This section is a covenant for the benefit of the holders of the bonds.

[1986 c 66 § 7; 1984 c 7 § 331; 1961 ex.s. c 9 § 6.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.500 Acquisition of additional ferries--Legislative finding--Department

authority.

Applicable Cases

(1) The legislature finds that the state's ferry fleet available for mass transportation of people within the urban region of Puget Sound is critically deficient and that substantial financial assistance for the acquisition of new ferries is necessary if the Washington state ferries is to continue to fulfill its role in the Puget Sound regional urban transportation system.

(2) The department is authorized:

(a) To apply to the United States secretary of transportation for a financial grant to assist the state to acquire urgently needed ferries;

(b) To enter into an agreement with the United States secretary of transportation or other duly authorized federal officials and to assent to such conditions as may be necessary to obtain financial assistance for the acquisition of additional ferries. In connection with the agreement the department may pledge any moneys in the Puget Sound capital construction account, not required for debt service, in the motor vehicle fund or any moneys to be deposited in the account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of the pledge the department shall use the moneys available in the Puget Sound capital construction account to meet the obligations as they arise.

[1986 c 66 § 8; 1984 c 7 § 333; 1970 ex.s. c 85 § 1.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

Effective date--1970 ex.s. c 85: "This 1970 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect April 1, 1970." [1970 ex.s. c 85 § 9.]

RCW 47.60.502 Hood Canal bridge--Legislative finding--Authority to restore or replace.

Applicable Cases

The legislature finds that high tides and hurricane force winds on February 13, 1979, caused conditions resulting in the catastrophic destruction of the Hood Canal bridge on state route 104, a state highway on the federal-aid system; and, as a consequence, the state of Washington has sustained a sudden and complete failure of a major segment of highway system with a disastrous impact on transportation services between the counties of Washington's Olympic peninsula and the remainder of the state. The governor has by proclamation found that these conditions constitute an emergency. To minimize the economic loss and hardship to residents of the Puget Sound and Olympic peninsula regions, the department of transportation is authorized and directed to undertake immediately all necessary actions to restore interim transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas. The department is further authorized and directed to proceed immediately with all necessary measures to survey the damage to the Hood Canal bridge and to undertake the planning, design, and construction necessary to restore or replace the Hood Canal bridge.

[1979 c 27 § 1.]

Notes:

Severability--1979 c 27: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 27 § 10.]

RCW 47.60.503 Hood Canal bridge--Authority to obtain federal emergency relief funds.

Applicable Cases

The department of transportation is authorized and directed to take all necessary steps to obtain federal emergency relief funds to assist the state of Washington in restoring transportation services across Hood Canal and Puget Sound and upon the Kitsap and Olympic peninsulas, including both interim measures and the ultimate reconstruction or replacement of the Hood Canal bridge.

[1979 c 27 § 2.]

Notes:

Severability--1979 c 27: See note following RCW 47.60.502.

RCW 47.60.505 Puget Sound capital construction account--Created--Use.

Applicable Cases

There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the department of transportation for:

(1) Reimbursing the motor vehicle fund for all transfers therefrom made in accordance with RCW 47.60.620; and

(2) Improving the Washington state ferry system including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, terminal construction and improvements, and reconstruction or replacement of, and improvements to, the Hood Canal bridge, reimbursement of the motor vehicle fund for any state funds, other than insurance proceeds, expended therefrom for reconstruction or replacement of and improvements to the Hood Canal bridge, pursuant to proper appropriations: PROVIDED, That any funds accruing to the Puget Sound capital construction account after June 30, 1979, which are not required to reimburse the motor vehicle fund pursuant to RCW 47.60.620 as such obligations come due nor are required for capital improvements of the Washington state ferries pursuant to appropriations therefor shall from time to time as shall be determined by the department of transportation be transferred by the state treasurer to the Puget Sound ferry operations account in the motor vehicle fund.

(3) The department may pledge any moneys in the Puget Sound capital construction account or to be deposited in that account to guarantee the payment of principal or interest on bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds.

The department may further pledge moneys in the Puget Sound capital construction account to meet any sinking fund requirements or reserves established by the department with

respect to any bond issues provided for in this section.

To the extent of any pledge authorized in this section, the department shall use the first moneys available in the Puget Sound capital construction account to meet such obligations as they arise, and shall maintain a balance of not less than one million dollars in the account for this purpose.

(4) The treasurer shall never transfer any moneys from the Puget Sound capital construction account for use by the department for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds, or reserves as required by any pledge of the Puget Sound capital construction account. Whenever the department has pledged any moneys in the account for the purposes authorized in this section, the state agrees to continue to deposit in the Puget Sound capital construction account the motor vehicle fuel taxes and special fuel taxes as provided in RCW 82.36.020 and 82.38.290 and further agrees that, so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

(5) Funds in the Puget Sound capital construction account of the motor vehicle fund that are not required by the department for payment of principal or interest on bond issues or for any of the other purposes authorized in this chapter may be invested by the department in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080.

[1986 c 66 § 9; 1979 c 27 § 3; 1977 ex.s. c 360 § 10; 1970 ex.s. c 85 § 2.]

Notes:

Transfer of funds--1986 c 66: "Moneys in the Puget Sound reserve account and ferry improvement fund on July 1, 1987, shall be transferred to the Puget Sound capital construction account." [1986 c 66 § 13.]

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1979 c 27: See note following RCW 47.60.502.

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

Effective date--1970 ex.s. c 85: See note following RCW 47.60.500.

RCW 47.60.530 Puget Sound ferry operations account--Created--Use.

Applicable Cases

There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for reimbursement of the motor vehicle fund for any state moneys, other than insurance proceeds, expended therefrom for alternate transportation services instituted as a result of the destruction of the Hood Canal bridge, and for maintenance and operation of the Washington state ferries including the Hood Canal bridge, supplementing as required the revenues available from the Washington state ferry system.

[1979 c 27 § 4; 1972 ex.s. c 24 § 3.]

Notes:

Severability--1979 c 27: See note following RCW 47.60.502.

RCW 47.60.550 Parking or holding area for ferry patrons in conjunction with municipal off-street parking facilities.

Applicable Cases

(1) Whenever a county, city, or other municipal corporation acquires or constructs a facility to be used in whole or in part for off-street parking of motor vehicles which is in the immediate vicinity of an existing or planned ferry terminal, the department may enter into an agreement with the local governmental body providing for the use in part or at specified times of the facility as a holding area for traffic waiting to board a ferry or for parking by ferry patrons.

(2) As a part of an agreement authorized by subsection (1) of this section, the department, subject to the limitations contained in RCW 47.60.505, may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund, or to be deposited in the account, to guarantee the payment of principal and interest on bonds issued by a county, city, or other municipal corporation to finance the acquisition or construction of the parking facility. In making the pledge, the department shall reserve the right to issue its own bonds for the purpose of paying the costs of acquiring ferry vessels with the provision that the bonds shall rank on parity with the bonds authorized by this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account.

The department shall also reserve the right to pledge moneys in the Puget Sound capital construction account to guarantee subsequent bonds issued by any county, city, or other municipal corporation to finance parking facilities as authorized in subsection (1) of this section with the provision that the subsequent bonds shall rank on parity with prior bonds guaranteed pursuant to this section as a lien upon moneys in or to be deposited in the Puget Sound capital construction account. To the extent of any pledge herein authorized, the department shall use the first moneys available in the Puget Sound capital construction account to meet the obligations as they arise.

[1986 c 66 § 10; 1984 c 7 § 335; 1975-'76 2nd ex.s. c 69 § 1.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.60.560 General obligation bonds--Ferries--Authorized--Purposes--Passenger-only vessels--Issuance, sale, and retirement.

Applicable Cases

In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the department general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). If the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of passenger-only vessels capable of

operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of the bonds authorized herein shall be used to pay the state's share of the acquisition cost of the passenger-only vessels. Upon request being made by the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1986 c 290 § 8; 1985 c 176 § 1; 1984 c 7 § 336; 1977 ex.s. c 360 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1977 ex.s. c 360: "If any provision of this 1977 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 360 § 13.]

RCW 47.60.570 Disposition of proceeds from sale of bonds.

Applicable Cases

The proceeds from the sale of the bonds shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.60.560, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

[1986 c 290 § 9; 1977 ex.s. c 360 § 2.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.580 Bonds--Terms--Principal and interest payable from proceeds of state excise taxes on motor vehicle and special fuels.

Applicable Cases

Bonds issued under the provisions of RCW 47.60.560 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.60.560 through 47.60.640 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.60.560 through 47.60.640 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.60.560 through 47.60.640.

[1995 c 274 § 18; 1977 ex.s. c 360 § 3.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.590 Repayment of bonds--Fund sources.

Applicable Cases

Any funds required to repay the bonds authorized by RCW 47.60.560 or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the state for expenditure pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

[1977 ex.s. c 360 § 4.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.600 Bonds--Powers and duties of state finance committee.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.60.590, the percentage of the receipts in money of the motor vehicle fund resulting from collection of excise taxes on motor vehicle and special fuels, for each month of the year which shall be required to meet interest or bond payments when due and shall notify the treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle and special fuels of the motor vehicle fund

to the ferry bond retirement fund hereby created in the state treasury, which funds shall be available solely for payment of the principal of and interest on the bonds when due. If in any month it shall appear that the estimated percentage of moneys so made is insufficient to meet the requirements for payment of the principal thereof or interest thereon, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for the interest on and principal of all bonds issued shall be fully met at all times.

[1977 ex.s. c 360 § 5.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.610 Excess repayment funds--Disposition.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle and special fuels payable into the bond retirement fund proves more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee and with the concurrence of the department, be available for the prior redemption of any bonds or remain available in the fund to reduce requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1984 c 7 § 337; 1977 ex.s. c 360 § 6.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.620 Reimbursements and transfers of funds.

Applicable Cases

Whenever, pursuant to RCW 47.60.600, the state treasurer shall transfer funds from the motor vehicle fund to the ferry bond retirement fund, the state treasurer shall at the same time reimburse the motor vehicle fund in an identical amount from the Puget Sound capital construction account. After each transfer by the treasurer of funds from the motor vehicle fund to the bond retirement fund and to the extent permitted by RCW 47.60.420, 47.60.505(3), and 47.60.505(4), the obligation to reimburse the motor vehicle fund as required herein shall constitute a first and prior charge against the funds within and accruing to the Puget Sound capital construction account, including the proceeds of the additional two-tenths of one percent excise tax imposed by RCW 82.44.020, as amended by chapter 332, Laws of 1977 ex. sess. All funds reimbursed to the motor vehicle fund as provided herein shall be distributed to the state for expenditure pursuant to RCW 46.68.130.

[1986 c 66 § 11; 1977 ex.s. c 360 § 7.]

Notes:

Effective date--1986 c 66: See note following RCW 47.60.150.

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.630 Bonds legal investment for public funds.

Applicable Cases

The bonds authorized in RCW 47.60.560 through 47.60.640 shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

[1977 ex.s. c 360 § 8.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.640 Bonds--Equal charge against revenues from motor vehicle and special fuel excise taxes.

Applicable Cases

Bonds issued under authority of RCW 47.60.560 through 47.60.640 and any subsequent general obligation bonds of the state of Washington which may be authorized and which pledge motor vehicle and special fuel excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuel excise taxes.

[1977 ex.s. c 360 § 9.]

Notes:

Severability--1977 ex.s. c 360: See note following RCW 47.60.560.

RCW 47.60.645 Passenger ferry account.

Applicable Cases

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for capital improvements for passenger ferry projects including, but not limited to, pedestrian and transit facilities at ferry terminals and passenger-only ferry vessels. Moneys in the account shall be expended with legislative appropriation.

[1995 2nd sp.s. c 14 § 558.]

Notes:

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

RCW 47.60.649 Passenger-only ferry service--Finding.

Applicable Cases

The legislature finds and declares that there is a compelling need for the construction of additional state ferry vessels and corresponding terminal improvements in order to provide more capacity and frequent service to meet the forecasted travel demands of citizens traveling on Puget Sound ferry routes. The vessel technology required must provide additional travel options for high growth ferry routes through increased passenger-only ferry service.

The 1989 west corridor study evaluated cross-sound travel through the year 2020 and

identified the Southworth to Seattle and the Kingston to Seattle passenger-only ferry routes as promising based on criteria evaluating cost-effectiveness, time savings, physical constraints to operation, nonduplication of current service, and ability to relieve congestion.

Furthermore, as a result of legislative direction provided in the 1991-93 transportation budget to the state transportation commission to evaluate and determine the location of new passenger-only ferry routes, the commission reviewed several service alternatives, determined that the Southworth to Seattle and Kingston to Seattle routes ranked highest, and directed the Washington state ferries to proceed with the design and permitting processes for passenger-only terminals at both Southworth and Kingston.

[1998 c 166 § 1.]

RCW 47.60.652 Passenger-only ferry service--Vessel and terminal acquisition, procurement, and construction.

Applicable Cases

The department is authorized to proceed with the acquisition, procurement, and construction of a maximum of four passenger-only vessels that respond to the service demands of state ferry service on the Southworth to Seattle and Kingston to Seattle ferry routes, including the terminal and docking facilities necessary to accommodate such service. The acquisition, procurement, and construction of vessels and terminals authorized herein shall be undertaken in accordance with the authority provided in RCW 47.56.030.

[1998 c 166 § 2.]

RCW 47.60.654 Passenger-only ferry service--Contingency.

Applicable Cases

The department's authority to proceed with the acquisition, procurement, and construction of vessels and terminals authorized under RCW 47.60.652 is contingent on a legislative appropriation approving that authority: PROVIDED, That the appropriation does not reduce the current level of funding for the maintenance and repair of vessels and terminals in service as of June 11, 1998.

[1998 c 166 § 3.]

Notes:

Reviser's note: Cf. 1998 c 346 § 913.

RCW 47.60.680 Prequalification of contractors required.

Applicable Cases

No contract for the construction, improvement, or repair of a ferry, ferry terminal, or other facility operated by the Washington state ferries or for the repair, overhaul, or the dry-docking of any ferry operated by Washington state ferries may be awarded to any contractor who has not first been prequalified to perform the work by the department of transportation. No bid or proposal for such a contract may be received from any contractor who has not first been

prequalified to perform the work by the department of transportation.

[1983 c 133 § 1.]

RCW 47.60.690 Qualifications of contractor--Rules to assure.

Applicable Cases

The secretary of transportation shall adopt rules prescribing standards and criteria to assure that each ferry system construction and repair contract described in RCW 47.60.680 shall be awarded to a competent and responsible contractor who has all of the following qualifications:

(1) Adequate financial resources, which may take into account the ability of the contractor to secure such resources;

(2) The necessary organization, personnel, equipment, facilities, experience, and technical qualification[s] to perform ferry system construction and repair contracts generally and with respect to any specific contract such additional special qualifications as may be necessary to perform the contract;

(3) The ability to comply with the department's performance schedules taking into account the outstanding work on all of the contractor's construction and repair contracts;

(4) A satisfactory record of performing previous contracts;

(5) A satisfactory record of integrity, judgment, and skills; and

(6) Such other qualifications as the secretary may prescribe to assure that prequalified contractors are competent and responsible.

[1983 c 133 § 2.]

RCW 47.60.700 Application for prequalification--Form.

Applicable Cases

Any contractor desiring to submit bids or proposals for ferry system construction or repair contracts as described in RCW 47.60.680 shall file an application for prequalification with the department. The application shall be on a standard form supplied by the department. The form shall require a complete statement of the applicant's financial ability, including a statement of the applicant's current net assets and working capital. The form shall require such additional information as may be necessary for the department to determine whether or not the applicant is entitled to be prequalified in accordance with RCW 47.60.680 through 47.60.760 and the rules adopted thereunder.

[1983 c 133 § 3.]

RCW 47.60.710 Department authority to obtain information.

Applicable Cases

Upon request by the department an applicant for prequalification shall authorize the department to obtain any information pertinent to the application, including information relating to the applicant's net worth, assets, and liabilities, from banks or other financial institutions, surety companies, and material and equipment suppliers.

[1983 c 133 § 4.]

RCW 47.60.720 Additional investigation--Terms of prequalification--Notice of nonqualification.

Applicable Cases

Upon receipt of an application by a contractor for prequalification to perform ferry system construction and repair contracts, the department shall conduct such additional investigation as it deems necessary. If it finds that the applicant is qualified in accordance with the rules as adopted by the secretary, the department shall prequalify the contractor to perform the contracts for a period of one year. The prequalification shall fix the aggregate dollar amount of work, including any contract let by the department, that the contractor may have under contract and uncompleted at any one time and may limit the contractor to the submission of bids or proposals upon a certain class of work. Subject to any restrictions on the dollar amount or class of work specified thereunder, the prequalification shall authorize a contractor to bid or submit proposals on all ferry system construction and repair contracts mentioned in RCW 47.60.680 except contracts requiring special prequalification. If the department determines that an applicant is not entitled to prequalification, it shall give written notice of the determination to the applicant.

[1983 c 133 § 5.]

RCW 47.60.730 Renewal of prequalification--Nonrenewal or revocation, notice.

Applicable Cases

A contractor may apply annually for renewal of its prequalification by submission of a new or supplemental questionnaire and financial statement on standard forms provided by the department. Based upon information received at the time of renewal or at any other time the department may amend the prequalification of the contractor as to the dollar amount or class of work that the contractor may perform or may refuse to renew the prequalification or may revoke a prequalification previously approved, all in accordance with the same standards and criteria used for considering an original application for prequalification. The department shall give written notice of any such action to the contractor.

[1983 c 133 § 6.]

RCW 47.60.740 Rejection of bid despite prequalification--Unqualified bidder.

Applicable Cases

If the department finds, after the opening of bids, that facts exist that would disqualify the lowest bidder, or that the lowest bidder is not competent or responsible in accordance with the standards and criteria for prequalifying contractors, the department shall reject the bid despite the prior prequalification of the bidder. No contract may be awarded to a bidder not qualified to bid on it at the time fixed for receiving bids.

[1983 c 133 § 7.]

RCW 47.60.750 Appeal of refusal, modification, or revocation of prequalification.

Applicable Cases

The action of the department in refusing, modifying, or revoking the prequalification of any contractor under RCW 47.60.680 through 47.60.740 is conclusive unless an appeal is filed with the Thurston county superior court within ten days after receiving written notice of the refusal, modification, or revocation. The appeal shall be heard summarily within twenty days after the appeal is taken and on five days notice thereof to the department. The court shall hear any such appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department was arbitrary or capricious.

[1983 c 133 § 8.]

RCW 47.60.760 Financial information regarding qualifying not public.

Applicable Cases

The department of transportation shall not be required to make available for public inspection and copying financial information supplied by any person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750.

[1983 c 133 § 9.]

RCW 47.60.770 Jumbo ferry construction--Notice.

Applicable Cases

Whenever the department is authorized to construct one or more new jumbo ferry vessels under this chapter, it shall publish a notice of its intent once a week for at least two consecutive weeks in at least one trade paper and one other paper, both of general circulation in the state. The notice shall contain, but not be limited to, the following information:

(1) The number of jumbo ferry vessels to be constructed and the proposed delivery date for each vessel;

(2) A short summary of the requirements for prequalification of bidders including a statement that prequalification is a prerequisite to consideration by the department of any bid, and a statement that the bidder shall submit its bid for the vessel in compliance with the plans and specifications supplied by the state; and

(3) An address and telephone number that may be used to obtain the bid package.

[1993 c 493 § 1.]

Notes:

Effective date--1993 c 493: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 18, 1993]." [1993 c 493 § 8.]

RCW 47.60.772 Jumbo ferry construction--Bidding documents.

Applicable Cases

The department shall send to any firm that requests it bidding documents specifying the

criteria for the jumbo ferry vessels. The bid documents shall include, but not be limited to, the following information:

(1) Solicitation of a bid to deliver to the department vessels that are constructed as specified by the plans and specifications provided by the department;

(2) A requirement that bids submitted should include one bid for the construction of three vessels;

(3) The proposed delivery date for each vessel, the port on Puget Sound where delivery will be taken, and the location where acceptance sea trials will be held;

(4) The amount and form of required contract security under RCW 39.08.100;

(5) A copy of the vessel construction contract that will be signed by the successful bidder;

(6) The date by which bids for ferry vessel construction must be received by the department in order to be considered;

(7) A requirement that the contractor comply with all applicable laws, rules, and regulations including, but not limited to those pertaining to the environment, worker health and safety, and prevailing wages;

(8) A requirement that the vessels be constructed within the boundaries of the state of Washington except that equipment furnished by the state and components, products, and systems that are standard manufactured items are not subject to the in-state requirement under this subsection. For the purposes of this section, "constructed" means: The fabrication, by the joining together by welding or fastening of all steel parts from which the total vessel is constructed, including, but not limited to, all shell frames, longitudinals, bulkheads, webs, piping runs, wire ways, and ducting. "Constructed" also means the installation of all components and systems, including, but not limited to, equipment and machinery, castings, electrical, electronics, deck covering, lining, paint and joiner work, required by the contract. "Constructed" also means the interconnection of all equipment, machinery, and services, such as piping, wiring, and ducting;

(9) A requirement that all warranty work on the vessel be performed within the boundaries of the state of Washington, insofar as practicable;

(10) A statement that any bid submitted constitutes an offer and remains open until ninety days after the deadline for submitting bids, unless the firm submitting it withdraws it by formal written notice that is received by the department before the date and time specified for opening of the bids, together with an explanation of the requirement that all bids submitted be accompanied by a bid deposit in the amount of five percent of the bid amount; and

(11) A listing of all equipment to be furnished by the state.

[1993 c 493 § 2.]

Notes:

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.774 Jumbo ferry construction--Procedure on conclusion of evaluation.

Applicable Cases

(1) Upon concluding its evaluation, the department may:

(a) Select the firm submitting the lowest responsible bid for the construction of new

jumbo ferries, taking into consideration the requirements stated in the bid documents and rank the remaining firms, judging them by the same standards;

(b) Reject all bids not in compliance with the requirements contained in the bid documents;

(c) Reject all bids.

(2) The department shall immediately notify those firms that were not selected as the firm presenting the lowest responsible bid. The department's selection is conclusive unless appeal from it is taken by an aggrieved firm to the superior court of Thurston county within five days after receiving notice of the department's final decision. The appeal shall be heard summarily within ten days after it is taken and on five days' notice to the department. The court shall hear any appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department was arbitrary or capricious.

[1993 c 493 § 4.]

Notes:

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.776 Jumbo ferry construction--Contract.

Applicable Cases

(1) Upon selecting the firm that has submitted the lowest responsible bid for the construction of new jumbo ferries, and ranking the remaining firms in order of preference, the department shall:

(a) Sign a contract with the firm presenting the lowest responsible bid; or

(b) If a final agreement satisfactory to the department cannot be signed with the firm presenting the lowest responsible bid, the department may sign a contract with the firm ranked next lowest bidder. If necessary, the department may repeat this procedure with each firm in order until the list of firms has been exhausted, or reject all bids.

(2) In developing a contract for the construction of ferry vessels, the department may, subject to the provisions of *RCW 39.25.020, authorize the use of foreign-made materials and components, products, and systems that are standard manufactured items in the construction of ferries in order to minimize costs.

[1993 c 493 § 5.]

Notes:

***Reviser's note:** RCW 39.25.020 was repealed by 1994 c 138 § 2.

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.778 Jumbo ferry construction--Bid deposits--Low bidder claiming error.

Applicable Cases

Bids submitted by firms under this section constitute an offer and shall remain open for ninety days. When submitted, each bid shall be accompanied by a deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the bid amount, and

no bid may be considered unless the deposit is enclosed. If the department awards a contract to a firm and the firm fails to enter into a contract or fails to furnish a satisfactory contract security as required by RCW 39.08.100, its deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the Puget Sound capital construction account. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Upon the execution of a ferry construction contract for the construction of new jumbo ferries, all bid deposits shall be returned.

[1996 c 18 § 9; 1993 c 493 § 6.]

Notes:

Effective date--1993 c 493: See note following RCW 47.60.770.

RCW 47.60.780 Jumbo ferry construction--Propulsion system acquisition.

Applicable Cases

(1) The department may enter into a contract for the acquisition of the propulsion system, or any component of it, including diesel engines and spare parts, for installation into one or more of the three Jumbo Class Mark II ferry vessels authorized under this chapter. This authorization does not limit the department from obtaining and installing the propulsion system, or any component of it, as incidental to the overall vessel construction contract authorized under RCW 47.60.770 through 47.60.778, nor from proceeding to complete an existing contract for acquisition of the propulsion system or any component of it.

(2) Acquisition of a propulsion system, or any component of it, for the Jumbo Class Mark II ferries by the department under this section is exempt from chapter 43.19 RCW.

(3) Whenever the department decides to enter into an acquisition contract under this section it shall publish a notice of its intent to negotiate such a contract once a week for at least two consecutive weeks in one trade newspaper and one other newspaper, both of general circulation in the state. The notice must contain, but is not limited to, the following information:

(a) The identity of the propulsion system or components to be acquired and the proposed delivery dates for the propulsion system or components;

(b) An address and telephone number that may be used to obtain the request for proposal.

(4) The department shall send to any firm that requests it, a request for proposal outlining the design and construction requirements for the propulsion system, including any desired components. The request for proposal must include, but is not limited to, the following information:

(a) The proposed delivery date for each propulsion system or desired component and the location where delivery will be taken;

(b) The form and formula for contract security;

(c) A copy of the proposed contract;

(d) The date by which proposals must be received by the department in order to be considered; and

(e) A statement that any proposal submitted constitutes an offer and must remain open until ninety days after the deadline for submitting proposals, together with an explanation of the

requirement that all proposals submitted must be accompanied by a deposit in the amount of five percent of the proposed cost.

(5) The department shall evaluate all timely proposals received for: (a) Compliance with the requirements specified in the request for proposal; and (b) suitability of each firm's proposal by applying appropriate criteria to be developed by the department: (i) To assess the ability of the firm to expeditiously and satisfactorily perform and (ii) to accomplish an acquisition that is most advantageous to the department. A portion of the technical requirements addressed in the request for proposal shall include, but is not limited to, user verifications of manufacturer's reliability claims; the quality of engine maintenance documentation; and engine compatibility with ship design.

(6) The criteria to select the most advantageous diesel engine under subsection (5)(b)(ii) shall consist of life-cycle cost factors weighted at forty-five percent; and operational factors weighted as follows: Reliability at twenty percent, maintainability at twenty percent, and engine performance at fifteen percent. For purposes of this subsection, the life-cycle cost factors shall consist of the costs for engine acquisition and warranty, spare parts acquisition and inventory, fuel efficiency and lubricating oil consumption, and commonality. The fuel efficiency and lubricating oil consumption life-cycle cost factors shall receive not less than twenty percent of the total evaluation weighting and shall be evaluated under a format similar to that employed in the 1992 M.V. Tyee engine replacement contract. The reliability factors shall consist of the length of service and reliability record in comparable uses, and mean time between overhauls. The mean time between overhauls evaluation shall be based upon the manufacturer's required hours between change of wear components. The maintainability factors shall consist of spare parts availability, the usual time anticipated to perform typical repair functions, and the quality of factory training programs for ferry system maintenance staff. The performance factors shall consist of load change responsiveness, and air quality of exhaust and engine room emissions.

(7) Upon concluding its evaluation, the department shall:

(a) Select the firm presenting the proposal most advantageous to the department, taking into consideration compliance with the requirements stated in the request for proposal, and the criteria developed by the department, and rank the remaining firms in order of preference, judging them by the same standards; or

(b) Reject all proposals as not in compliance with the requirements contained in the request for proposals.

(8) The department shall immediately notify those firms that were not selected as the firm presenting the most advantageous proposal of the department's decision. The department's decision is conclusive unless an aggrieved firm appeals the decision to the superior court of Thurston county within five days after receiving notice of the department's final decision. The appeal shall be heard summarily within ten days after it is taken and on five days' notice to the department. The court shall hear the appeal on the administrative record that was before the department. The court may affirm the decision of the department, or it may reverse the decision if it determines the action of the department is arbitrary or capricious.

(9) Upon selecting the firm that has presented the most advantageous proposal and

ranking the remaining firms in order of preference, the department shall:

- (a) Negotiate a contract with the firm presenting the most advantageous proposal; or
- (b) If a final agreement satisfactory to the department cannot be negotiated with the firm presenting the most advantageous proposal, the department may then negotiate with the firm ranked next highest in order of preference. If necessary, the department may repeat this procedure and negotiate with each firm in order of rank until the list of firms has been exhausted.

(10) Proposals submitted by firms under this section constitute an offer and must remain open for ninety days. When submitted, each proposal must be accompanied by a deposit in cash, certified check, cashier's check, or surety bond in the amount equal to five percent of the amount of the proposed contract price, and the department may not consider a proposal that has no deposit enclosed with it. If the department awards a contract to a firm under the procedure set forth in this section and the firm fails to enter into the contract and furnish the required contract security within twenty days, exclusive of the day of the award, its deposit shall be forfeited to the state and deposited by the state treasurer to the credit of the Puget Sound capital construction account. Upon the execution of a contract all proposal deposits shall be returned.

[1994 c 181 § 2.]

Notes:

Finding and intent--1994 c 181: "The legislature finds and declares that:

A 1991 legislative study, conducted by Booz. Allen, Hamilton and M. Rosenblatt and Son, examining the Washington state ferries' management of its vessel refurbishment and construction program, resulted in recommendations for improvements and changes in the vessel refurbishment and construction program. These legislatively adopted recommendations encourage and support input by Washington state ferries' engineers in the development of refurbishment and new construction project requirements.

The recommendations of the Booz. Allen study have been applied to the construction of the Jumbo Class Mark II ferries through the appointment of a Jumbo Class Mark II steering committee comprised of current state ferry engineers responsible for the design, operation, and maintenance of state ferry vessels.

The steering committee, in carrying out the recommendations of the Booz. Allen study, has determined that the procedure for the procurement of equipment, parts, and supplies for the Jumbo Class Mark II ferry vessels authorized by RCW 47.60.770 through 47.60.778, must take into consideration, in addition to life-cycle cost criteria, criteria that are essential to the operation of a public mass transportation system responsive to the needs of Washington state ferries' users, and that assess the reliability, maintainability, and performance of equipment, parts, and supplies to be installed in the Jumbo Mark II ferries.

The construction of the new Jumbo Class Mark II ferry vessels authorized by RCW 47.60.770 through 47.60.778 is critical to the welfare of the state and any delay in the immediate construction of the ferries will result in severe hardship and economic loss to the state and its citizens. Recognizing these findings, it is the intent of the legislature that the vessel construction should not be delayed further because of the acquisition of a propulsion system, or any component of it, for the ferries, and to authorize the department of transportation to acquire all components of a complete propulsion system as soon as possible so that planned construction of the Jumbo Class Mark II ferry vessels can proceed immediately.

The purpose of this chapter is to authorize the use, by the department, of supplemental, alternative contracting procedures for the procurement of a propulsion system, and the components thereof, for the Jumbo Class Mark II ferries; and to prescribe appropriate requirements and criteria to ensure that contracting procedures for such procurement serve the public interest." [1994 c 181 § 1.]

Effective date--1994 c 181: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect

immediately [March 30, 1994]." [1994 c 181 § 4.]

RCW 47.60.800 General obligation bonds--1992 issue--Purpose--Issuance and sale.

Applicable Cases

In order to provide funds necessary for vessel and terminal acquisition, construction, and major and minor improvements, including long lead time materials acquisition for the Washington state ferries, there shall be issued and sold upon the request of the Washington state transportation commission and legislative appropriation a total of two hundred ten million dollars of general obligation bonds of the state of Washington.

[1992 c 158 § 1.]

RCW 47.60.802 Bonds--1992 issue--Supervision of sale by state finance committee--Option of short-term obligations.

Applicable Cases

(1) Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.60.800 through 47.60.808 in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the purposes under RCW 47.60.800. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

(2) The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

[1992 c 158 § 2.]

RCW 47.60.804 Bonds--1992 issue--Use of proceeds.

Applicable Cases

The proceeds from the sale of bonds authorized by RCW 47.60.800 through 47.60.808 shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes under RCW 47.60.800, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

[1992 c 158 § 3.]

RCW 47.60.806 Bonds--1992 issue--Payment of principal and interest from pledged excise taxes.

Applicable Cases

Bonds issued under the authority of RCW 47.60.800 through 47.60.808 shall distinctly

state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest shall be first payable in the manner provided in RCW 47.60.800 through 47.60.808 from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW and distributed to the state pursuant to RCW 46.68.130 and shall never constitute a charge against any allocations of such funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle and special fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. Proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.60.800 through 47.60.808, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of RCW 47.60.800 through 47.60.808.

[1995 c 274 § 19; 1992 c 158 § 4.]

RCW 47.60.808 Bonds--1992 issue--Payment from ferry bond retirement fund.

Applicable Cases

Both principal and interest on the bonds issued for the purposes of RCW 47.60.800 through 47.60.808 shall be payable from the ferry bond retirement fund authorized in RCW 47.60.600. Whenever, pursuant to RCW 47.60.800 and 47.60.806, the state treasurer transfers funds from the motor vehicle fund to the ferry bond retirement fund, the state treasurer may at the same time reimburse the motor vehicle fund in an identical amount from the Puget Sound capital construction account.

[1992 c 158 § 5.]

Chapter 47.61 RCW
ACQUISITION OF NEW FERRY VESSELS UNDER URBAN MASS
TRANSPORTATION ACT OF 1964

RCW

47.61.010	Authority to enter into agreement and apply for financial assistance.
47.61.020	Bonds for matching funds--Issuance and sale.
47.61.030	Term of bonds--Terms and conditions.
47.61.040	Bonds--Signatures--Registration--Where payable--Negotiable instruments.
47.61.050	Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.
47.61.060	Proceeds of bonds--Deposit and use.
47.61.070	Statement describing nature of bond obligation--Pledge of excise taxes.
47.61.080	Bonds to reflect terms and conditions of grant agreement.
47.61.090	Designation of funds to repay bonds and interest.
47.61.100	Bond repayment procedure--Highway bond retirement fund.
47.61.110	Sums in excess of bond retirement requirements--Use.

RCW 47.61.010 Authority to enter into agreement and apply for financial assistance.

Applicable Cases

Recognizing that the Washington state ferries system is an integral part of the state highway system, the department is authorized to enter into an agreement with the administrator of the housing and home finance agency and to make application for a grant for financial assistance for the acquisition by construction or purchase of new vessels pursuant to the provisions of the Urban Mass Transportation Act of 1964.

[1984 c 7 § 338; 1965 ex.s. c 56 § 1.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.61.020 Bonds for matching funds--Issuance and sale.

Applicable Cases

In order to provide necessary state matching funds as required by the Urban Mass Transportation Act of 1964, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eleven million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of this chapter until the administrator of the housing and home finance agency has approved a grant to the Washington state highway commission of not less than fifty percent of the cost of acquisition of vessels referred to in RCW 47.61.010. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

[1965 ex.s. c 56 § 2.]

Notes:

Reviser's note: Powers, duties, and functions of highway commission transferred to department of transportation; see RCW 47.01.031. Term "Washington state highway commission" means department of transportation; see RCW 47.04.015.

RCW 47.61.030 Term of bonds--Terms and conditions.

Applicable Cases

Each of such bonds shall be made payable at any time not exceeding twenty-five years from the time of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein.

[1965 ex.s. c 56 § 3.]

RCW 47.61.040 Bonds--Signatures--Registration--Where payable--Negotiable instruments.

Applicable Cases

The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

[1965 ex.s. c 56 § 4.]

RCW 47.61.050 Bonds--Denominations--Manner and terms of sale--Legal investment for state funds.

Applicable Cases

The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund.

[1965 ex.s. c 56 § 5.]

RCW 47.61.060 Proceeds of bonds--Deposit and use.

Applicable Cases

The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition by construction or purchase of new ferry vessels and for the payment of all expense incurred in the drafting, printing, issuance, and sale of any such bonds.

[1965 ex.s. c 56 § 6.]

RCW 47.61.070 Statement describing nature of bond obligation--Pledge of excise taxes.

Applicable Cases

Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapters 82.36 and *82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter.

[1965 ex.s. c 56 § 7.]

Notes:

***Reviser's note:** Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33, effective January 1, 1972.

RCW 47.61.080 Bonds to reflect terms and conditions of grant agreement.

Applicable Cases

Bonds issued under the provisions of RCW 47.61.020 shall fully reflect the terms and conditions of the grant agreement to be executed pursuant to the provisions of RCW 47.61.010.

[1965 ex.s. c 56 § 8.]

RCW 47.61.090 Designation of funds to repay bonds and interest.

Applicable Cases

Funds required to repay the bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the department for state highway purposes, and shall never constitute a charge against any allocations of the funds to counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on the bonds.

[1984 c 7 § 339; 1965 ex.s. c 56 § 9.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.61.100 Bond repayment procedure--Highway bond retirement fund.

Applicable Cases

At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

[1965 ex.s. c 56 § 10.]

RCW 47.61.110 Sums in excess of bond retirement requirements--Use.

Applicable Cases

Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

[1965 ex.s. c 56 § 11.]

**Chapter 47.64 RCW
MARINE EMPLOYEES--PUBLIC EMPLOYMENT RELATIONS**

RCW

47.64.005	Declaration of policy.
47.64.006	Public policy.
47.64.011	Definitions.
47.64.060	Federal social security--State employees' retirement.
47.64.070	Employees subject to industrial insurance laws.
47.64.080	Employee seniority rights.
47.64.090	Other party operating ferry by rent, lease, or charter.
47.64.120	Scope of negotiations--Interest on retroactive compensation increases.
47.64.130	Unfair labor practices for employer, employee organization.
47.64.140	Strikes, work stoppages, and lockouts prohibited.
47.64.150	Grievance procedures.
47.64.160	Union security provisions.
47.64.170	Collective bargaining procedures.
47.64.180	Agreements and awards limited by appropriation.
47.64.190	Marine employees' commission review for compliance with fiscal limitations--Effective date of agreements and arbitration orders.
47.64.200	Impasse procedures.
47.64.210	Mediation.
47.64.220	Salary survey, fact-finding.
47.64.230	Waiver of mediation and fact-finding.
47.64.240	Binding arbitration.
47.64.250	Legal actions.
47.64.260	Notice and service.
47.64.270	Insurance and health care.
47.64.280	Marine employees' commission.
47.64.290	Toll bridge employees subject to civil service.
47.64.900	Section captions not part of law--1983 c 15.
47.64.910	Severability--1983 c 15.

RCW 47.64.005 Declaration of policy.

Applicable Cases

The state of Washington, as a public policy, declares that sound labor relations are essential to the development of a ferry and bridge system which will best serve the interests of the people of the state.

[1961 c 13 § 47.64.005. Prior: 1949 c 148 § 1; Rem. Supp. 1949 § 6524-22.]

RCW 47.64.006 Public policy.

Applicable Cases

The legislature declares that it is the public policy of the state of Washington to: (1) Provide continuous operation of the Washington state ferry system at reasonable cost to users; (2) efficiently provide levels of ferry service consistent with trends and forecasts of ferry usage; (3) promote harmonious and cooperative relationships between the ferry system and its employees by permitting ferry employees to organize and bargain collectively; (4) protect the citizens of this state by assuring effective and orderly operation of the ferry system in providing for their health, safety, and welfare; (5) prohibit and prevent all strikes or work stoppages by ferry employees; (6) protect the rights of ferry employees with respect to employee organizations; and (7) promote just and fair compensation, benefits, and working conditions for ferry system employees as compared with public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia in directly comparable but not necessarily identical positions.

[1989 c 327 § 1; 1983 c 15 § 1.]

RCW 47.64.011 Definitions.

Applicable Cases

As used in this chapter, unless the context otherwise requires, the definitions in this section shall apply.

(1) "Arbitration" means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

(2) "Arbitrator" means either a single arbitrator or a panel of three arbitrators as provided in RCW 47.64.240.

(3) "Collective bargaining representative" means the persons designated by the secretary of transportation and employee organizations to be the exclusive representatives during collective bargaining negotiations.

(4) "Department of transportation" means the department as defined in RCW 47.01.021.

(5) "Ferry employee" means any employee of the marine transportation division of the department of transportation who is a member of a collective bargaining unit represented by a ferry employee organization and does not include an exempt employee pursuant to RCW 41.06.079.

(6) "Ferry employee organization" means any labor organization recognized to represent a

collective bargaining unit of ferry employees.

(7) "Ferry system management" means those management personnel of the marine transportation division of the department of transportation who have been vested with the day-to-day management responsibilities of the Washington state ferry system by the transportation commission and who are not members of a collective bargaining unit represented by a ferry employee organization.

(8) "Lockout" means the refusal of ferry system management to furnish work to ferry employees in an effort to get ferry employee organizations to make concessions during collective bargaining, grievance, or other labor relation negotiations. Curtailment of employment of ferry employees due to lack of work resulting from a strike or work stoppage, as defined in subsection (11) of this section, shall not be considered a lockout.

(9) "Marine employees' commission" means the commission created in RCW 47.64.280.

(10) "Office of financial management" means the office as created in RCW 43.41.050.

(11) "Strike or work stoppage" means a ferry employee's refusal, in concerted action with others, to report to duty, or his or her wilful absence from his or her position, or his or her stoppage or slowdown of work, or his or her abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of his, her, or any other ferry employee's employment. A refusal, in good faith, to work under conditions which pose an endangerment to the health and safety of ferry employees or the public, as determined by the master of the vessel, shall not be considered a strike for the purposes of this chapter.

(12) "Transportation commission" means the commission as defined in RCW 47.01.021.

[1983 c 15 § 2.]

RCW 47.64.060 Federal social security--State employees' retirement.

Applicable Cases

All employees engaged in the operation of ferries acquired by the department shall remain subject to the federal social security act and shall be under the state employees' retirement act. The department shall make such deductions from salaries of employees and contributions from revenues of the department as shall be necessary to qualify the employees for benefits under the federal social security act. The appropriate officials are authorized to contract with the secretary of health, education and welfare to effect the coverage.

[1984 c 7 § 340; 1961 c 13 § 47.64.060. Prior: 1957 c 271 § 7; 1951 c 82 § 2; 1949 c 148 § 5; Rem. Supp. 1949 § 6524-26.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.64.070 Employees subject to industrial insurance laws.

Applicable Cases

Employees, except the masters and members of the crews of vessels, shall be subject to and entitled to the benefits of the industrial insurance laws of the state, and are hereby declared to

be in extrahazardous employment within the meaning of such laws.

[1961 c 13 § 47.64.070. Prior: 1951 c 259 § 2; 1949 c 148 § 6; Rem. Supp. 1949 § 6524-27.]

RCW 47.64.080 Employee seniority rights.

Applicable Cases

Employees employed at the time of the acquisition of any ferry or ferry system by the department have seniority rights to the position they occupy aboard the ferries or ferry system. In the event of curtailment of ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the department.

[1984 c 7 § 341; 1961 c 13 § 47.64.080. Prior: 1949 c 148 § 7; Rem. Supp. 1949 § 6524-28.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.64.090 Other party operating ferry by rent, lease, or charter.

Applicable Cases

If any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

[1983 c 15 § 27; 1961 c 13 § 47.64.090. Prior: 1949 c 148 § 8; Rem. Supp. 1949 § 6524-29.]

Notes:

Severability--1983 c 15: See RCW 47.64.910.

RCW 47.64.120 Scope of negotiations--Interest on retroactive compensation increases.

Applicable Cases

(1) Ferry system management and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times, to negotiate in good faith with respect to wages, hours, working conditions, insurance, and health care benefits as limited by RCW 47.64.270, and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining.

(2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state

treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

[1997 c 436 § 1; 1983 c 15 § 3.]

RCW 47.64.130 Unfair labor practices for employer, employee organization.

Applicable Cases

(1) It is an unfair labor practice for ferry system management or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules made by the commission pursuant to RCW 47.64.280, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: PROVIDED, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: PROVIDED, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of its employees subject to RCW 47.64.170.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no

threat of reprisal or force or promise of benefit.

[1983 c 15 § 4.]

RCW 47.64.140 Strikes, work stoppages, and lockouts prohibited.

Applicable Cases

(1) It is unlawful for any ferry system employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike or work stoppage against the ferry system.

(2) It is unlawful for ferry system management to authorize, consent to, or condone a strike or work stoppage; or to conduct a lockout; or to pay or agree to pay any ferry system employee for any day in which the employee participates in a strike or work stoppage; or to pay or agree to pay any increase in compensation or benefits to any ferry system employee in response to or as a result of any strike or work stoppage or any act that violates subsection (1) of this section. It is unlawful for any official, director, or representative of the ferry system to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection prevents new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time. No collective bargaining agreement provision regarding suspension or modification of any court-ordered penalty provided in this section is binding on the courts.

(3) In the event of any violation or imminently threatened violation of subsection (1) or (2) of this section, any citizen domiciled within the jurisdictional boundaries of the state may petition the superior court for Thurston county for an injunction restraining the violation or imminently threatened violation. Rules of civil procedure regarding injunctions apply to the action. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure him or her; and no bond may be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted under this section is a contempt of court as provided in chapter 7.21 RCW. The court may impose a penalty of up to ten thousand dollars for an employee organization or the ferry system, for each day during which the failure to comply continues. The sanctions for a ferry employee found to be in contempt shall be as provided in chapter 7.21 RCW. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

(4) The right of ferry system employees to engage in strike or work slowdown or stoppage is not granted and nothing in this chapter may be construed to grant such a right.

(5) Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

(6) In addition to the remedies and penalties provided by this section the successful litigant is entitled to recover reasonable attorney fees and costs incurred in the litigation.

(7) Notwithstanding the provisions of chapter 88.04 RCW and chapter 88.08 RCW, the department of transportation shall promulgate rules and regulations allowing vessels, as defined

in *RCW 88.04.300, as well as other watercraft, to engage in emergency passenger service on the waters of Puget Sound in the event ferry employees engage in a work slowdown or stoppage. Such emergency rules and regulations shall allow emergency passenger service on the waters of Puget Sound within seventy-two hours following a work slowdown or stoppage. Such rules and regulations that are promulgated shall give due consideration to the needs and the health, safety, and welfare of the people of the state of Washington.

[1989 c 373 § 25; 1983 c 15 § 5.]

Notes:

***Reviser's note:** RCW 88.04.300 was repealed by 1989 c 295 § 16. For later enactment, see RCW 88.04.015.

Severability--1989 c 373: See RCW 7.21.900.

RCW 47.64.150 Grievance procedures.

Applicable Cases

An agreement with a ferry employee organization that is the exclusive representative of ferry employees in an appropriate unit may provide procedures for the consideration of ferry employee grievances and of disputes over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of ferry employee grievances and of disputes over the interpretation and application of existing agreements. An arbitrator's decision on a grievance shall not change or amend the terms, conditions, or applications of the collective bargaining agreement. The procedures shall provide for the invoking of arbitration only with the approval of the employee organization. The costs of arbitrators shall be shared equally by the parties.

Ferry system employees shall follow either the grievance procedures provided in a collective bargaining agreement, or if no such procedures are so provided, shall submit the grievances to the marine employees' commission as provided in RCW 47.64.280.

[1983 c 15 § 6.]

RCW 47.64.160 Union security provisions.

Applicable Cases

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not

reach agreement on such matter, the commission shall designate the charitable organization.

[1983 c 15 § 7.]

RCW 47.64.170 Collective bargaining procedures.

Applicable Cases

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the secretary of transportation may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of ferry system management or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties. Any meeting of the transportation commission, during which a collective bargaining agreement is subject to ratification, shall be open to the public.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with a member of the transportation commission if the commission has appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative, unless the member of the commission is the designated bargaining representative of the ferry system.

(6) The negotiation of a proposed collective bargaining agreement by representatives of ferry system management and a ferry employee organization shall commence in each odd-numbered year immediately following adoption by the legislature and approval by the governor of the biennial budget.

(7) Until a new collective bargaining agreement is negotiated, or until an award is made by the arbitrator, the terms and conditions of the previous collective bargaining agreement shall remain in force. The wage and benefit provisions of any collective bargaining agreement, or arbitrator's award in lieu thereof, that is concluded after July 1st of an odd-numbered year shall be retroactive to July 1st. It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical.

(8) Any ferry union contract terminating before July 1, 1983, shall, with the agreement of the parties, remain in effect until a contract can be concluded under RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. The contract may be retroactive to the expiration date of the prior contract, and the cost to the department of three months retroactive compensation and benefits for this 1983 contract negotiation only shall not be included in calculating the limitation imposed by RCW 47.64.180. If the parties cannot agree to contract extension, any increase

agreed to for the three-month period shall be included in calculating the limit imposed by RCW 47.64.180.

(9) Any ferry union contract which would terminate after July 1, 1983, may, by agreement of the parties, be terminated as of July 1, 1983, and a new contract concluded pursuant to RCW 47.64.006, 47.64.011, and 47.64.120 through 47.64.280. Any contract terminating after July 1, 1983, is subject to this chapter only upon its expiration and shall not be renewed for a period beyond July 1, 1985.

[1983 c 15 § 8.]

RCW 47.64.180 Agreements and awards limited by appropriation.

Applicable Cases

(1) No collective bargaining agreement or arbitrator's award is valid or enforceable if its implementation would be inconsistent with any statutory limitation on the department of transportation's funds, spending, or budget. The department of transportation shall, in good faith, exercise its administrative discretion with full public participation as required by *RCW 47.60.330, subject only to legislative limitations and conditions, to implement the terms of any collective bargaining agreement or arbitrator's award.

(2) In no event may the transportation commission or the department of transportation authorize an increase in tolls after the enactment of the budget that is in excess of the Seattle consumer price index for the preceding twelve months for the purpose of providing revenue to fund a collective bargaining agreement or arbitrator's award. The commission or the department may increase tolls after the first fiscal year of the biennium by the amount that the Seattle consumer price index increased after the previous toll increase. This subsection shall not be construed to prevent increases due to items that are not labor-related and that are beyond the direct control of the department.

[1983 c 15 § 9.]

Notes:

***Reviser's note:** The reference in 1983 c 15 § 9 to "section 25 of this act" has been translated to "RCW 47.60.330." A literal translation of the session law reference would have been "RCW 47.60.326," which appears to be erroneous. A floor amendment to Substitute Senate Bill No. 3108 added a new section 24 to the bill and directed that internal references be corrected accordingly. The correction was not made in the preparation of Engrossed Substitute Senate Bill No. 3108, but has been made in codification.

RCW 47.64.190 Marine employees' commission review for compliance with fiscal limitations--Effective date of agreements and arbitration orders.

Applicable Cases

(1) No negotiated agreement or arbitration order may become effective and in force until five calendar days after an agreement has been negotiated or an arbitration order entered for each and every ferry employee bargaining unit.

(2) Upon the conclusion of negotiations or arbitration procedures with all ferry employee

bargaining units, the secretary shall ascertain whether the cumulative fiscal requirements of all such agreements and arbitration orders are within the limitations imposed by RCW 47.64.180.

(3) If the secretary finds that budgetary or fare restrictions will be exceeded, he shall, within five calendar days of completion of negotiations or arbitration with the last bargaining unit to conclude an agreement, submit all agreements and arbitration awards to the marine employees' commission for a binding determination whether the limitations of RCW 47.64.180 have been exceeded.

(4) The marine employees' commission shall review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with RCW 47.64.180. Within fifteen calendar days of receiving the secretary's request for review, the commission shall determine by a majority vote of its members whether or not the cumulative effect of all such agreements and orders exceeds the limitations of RCW 47.64.180.

(5) If the marine employees' commission determines that the limitations of RCW 47.64.180 would be exceeded if all agreements and arbitration orders were given full force and effect, it shall order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with RCW 47.64.180.

(6) Whenever the secretary requests a determination by the marine employees' commission pursuant to this section, the effect of all agreements and arbitration orders shall be stayed, pending the commission's final determination.

[1983 c 15 § 10.]

RCW 47.64.200 Impasse procedures.

Applicable Cases

As the first step in the performance of their duty to bargain, ferry system management and the employee organization shall endeavor to agree upon impasse procedures. The agreement shall provide for implementation of these impasse procedures not later than July 1st in each odd-numbered year following enactment of the biennial budget. If the parties fail to agree upon impasse procedures under this section, the impasse procedures provided in RCW 47.64.210 through 47.64.230 apply. It is unlawful for either party to refuse to participate in the impasse procedures provided in RCW 47.64.210 through 47.64.230.

[1983 c 15 § 11.]

RCW 47.64.210 Mediation.

Applicable Cases

In the absence of an impasse agreement between the parties or the failure of either party to utilize its procedures by August 1st in each odd-numbered year, the marine employees' commission shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator pursuant to RCW 47.64.280. It is the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator shall not compel the parties to agree.

[1983 c 15 § 12.]

RCW 47.64.220 Salary survey, fact-finding.

Applicable Cases

(1) Prior to collective bargaining, the marine employees' commission shall conduct a salary survey. The results of the survey shall be published in a report which shall be a public document comparing wages, hours, employee benefits, and conditions of employment of involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved. Such survey report shall be for the purpose of disclosing generally prevailing levels of compensation, benefits, and conditions of employment. It shall be used to guide generally but not to define or limit collective bargaining between the parties. The commission shall make such other findings of fact as the parties may request during bargaining or impasse.

(2) Except as provided in subsection (3) of this section, salary and employee benefit information collected from private employers that identifies a specific employer with the salary and employee benefit rates which that employer pays to its employees is not subject to public disclosure under chapter 42.17 RCW.

(3) A person or entity, having reason to believe that the salary survey results are inaccurate, may submit a petition to the state auditor requesting an audit of the data upon which the salary survey results are based. The state auditor shall review and analyze all data collected for the salary survey, including proprietary information, but is prohibited from disclosing the salary survey data to any other person or entity, except by court order.

[1999 c 256 § 1; 1989 c 327 § 2; 1983 c 15 § 13.]

Notes:

Retroactive application--1999 c 256 § 1: "Section 1, chapter 256, Laws of 1999 is a clarification of existing law and applies retroactively." [1999 c 256 § 3.]

RCW 47.64.230 Waiver of mediation and fact-finding.

Applicable Cases

By mutual agreement, the parties may waive mediation and fact-finding, as provided for in RCW 47.64.210 and 47.64.220, and proceed with binding arbitration as provided for in RCW 47.64.240. The waiver shall be in writing and be signed by the representatives of the parties.

[1983 c 15 § 14.]

RCW 47.64.240 Binding arbitration.

Applicable Cases

(1) If impasse persists fourteen days after the mediator has been appointed, or beyond any other date mutually agreed to by the parties, all impasse items shall be submitted to arbitration pursuant to this section, and that arbitration shall be binding upon the parties.

(2) Each party shall submit to the other within four days of request, a final offer on the impasse items with proof of service of a copy upon the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by the panel of arbitrators.

As an alternative procedure, the two parties may agree to submit the dispute to a single arbitrator. If the parties cannot agree on the arbitrator within four days, the selection shall be made pursuant to subsection (5) of this section. The full costs of arbitration under this provision shall be shared equally by the parties to the dispute.

(3) The submission of the impasse items to the arbitrators shall be limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(4) The panel of arbitrators shall consist of three members appointed in the following manner:

(a) One member shall be appointed by the secretary of transportation;
(b) One member shall be appointed by the ferry employee organization;
(c) One member shall be appointed mutually by the members appointed by the secretary of transportation and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators. No member appointed may be an employee of the parties;

(d) Ferry system management and the employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel shall be shared equally by each party.

(5) If the third member has not been selected within four days of notification as provided in subsection (2) of this section, a list of seven arbitrators shall be submitted to the parties by the marine employees' commission. The two arbitrators selected by ferry system management and the ferry employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the marine employees' commission. The second arbitrator and the first arbitrator shall alternately remove one additional name until only one name remains. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. In lieu of a list of seven nominees for the third member being submitted by the marine employees' commission, the parties may mutually agree to have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(6) If a vacancy occurs on the panel of arbitrators, the selection for replacement of that member shall be in the same manner and within the same time limits as the original member was chosen. No final award under subsection (3) of this section may be made by the panel until three arbitrators have been chosen.

(7) The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

(8) From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

(9) The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(10) The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(11) A majority of the panel of arbitrators shall within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(12) The selections by the panel of arbitrators and items agreed upon by the ferry system management and the employee organization shall be deemed to be the collective bargaining agreement between the parties.

(13) The determination of the panel of arbitrators shall be by majority vote and shall be final and binding, subject to RCW 47.64.180 and 47.64.190. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

[1989 c 327 § 3; 1983 c 15 § 15.]

RCW 47.64.250 Legal actions.

Applicable Cases

(1) Any ferry employee organization and the department of transportation may sue or be sued as an entity under this chapter. Service upon any party shall be in accordance with law or

the rules of civil procedure. Nothing in this chapter may be construed to make any individual or his assets liable for any judgment against the department of transportation or a ferry employee organization if the individual was acting in his official capacity.

(2) Any legal action by any ferry employee organization or the department of transportation under this chapter shall be filed in Thurston county superior court within ten days of when the cause of action arose. The court shall consider those actions on a priority basis and determine the merits of the actions within thirty days of filing.

[1983 c 15 § 16.]

RCW 47.64.260 Notice and service.

Applicable Cases

Any notice required under this chapter shall be in writing, but service thereof is sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known address of the parties, unless otherwise provided in this chapter. Refusal of restricted certified mail by any party shall be considered service. Prescribed time periods commence from the date of the receipt of the notice. Any party may at any time execute and deliver an acceptance of service in lieu of mailed notice.

[1983 c 15 § 17.]

RCW 47.64.270 Insurance and health care.

Applicable Cases

Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW; and the ferry system management and employee organizations may collectively bargain for other insurance and health care plans, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050, subject to RCW 47.64.180. To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.

[1995 1st sp.s. c 6 § 6; 1993 c 492 § 224; 1988 c 107 § 21; 1987 c 78 § 2; 1983 c 15 § 18.]

Notes:

Effective date--1995 1st sp.s. c 6: See note following RCW 28A.400.410.

Findings--Intent--1993 c 492: See notes following RCW 43.20.050.

Short title--Severability--Savings--Captions not law--Reservation of legislative power--Effective dates--1993 c 492: See RCW 43.72.910 through 43.72.915.

Implementation--Effective dates--1988 c 107: See RCW 41.05.901.

Intent--1987 c 78: "The legislature finds that the provisions of RCW 47.64.270 have been subject to misinterpretation. The objective of this act is to clarify the intent of RCW 47.64.270 as originally enacted." [1987 c 78 § 1.]

Effective date--1987 c 78: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 78 § 3.]

RCW 47.64.280 Marine employees' commission.

Applicable Cases

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be chairman of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with RCW 43.03.250 and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The marine employees' commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; (c) conduct fact-finding and provide salary surveys as required in RCW 47.64.220; and (d) provide for the selection of an impartial arbitrator as required in RCW 47.64.240(5).

(3) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the marine employees' commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission.

The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

The commission shall adopt rules of procedure under chapter 34.05 RCW.

The commission has the authority to subpoena any ferry employee or employees, or their

representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

[1984 c 287 § 95; 1983 c 15 § 19.]

Notes:

Legislative findings--Severability--Effective date--1984 c 287: See notes following RCW 43.03.220.
Compensation of class four groups: RCW 43.03.250.

RCW 47.64.290 Toll bridge employees subject to civil service.

Applicable Cases

Notwithstanding any other provisions of this chapter, toll bridge employees of the marine transportation division are subject to chapter 41.06 RCW.

[1984 c 48 § 2.]

RCW 47.64.900 Section captions not part of law--1983 c 15.

Applicable Cases

Section captions used in this act constitute no part of the law.

[1983 c 15 § 29.]

RCW 47.64.910 Severability--1983 c 15.

Applicable Cases

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

[1983 c 15 § 30.]

**Chapter 47.66 RCW
MULTIMODAL TRANSPORTATION PROGRAMS**

RCW

- | | |
|-----------|--|
| 47.66.010 | Legislative declaration. |
| 47.66.030 | Transportation improvement board--Authority--Expenses. |
| 47.66.040 | Selection process--Local matching funds. |
| 47.66.900 | Effective date--1993 c 393. |

RCW 47.66.010 Legislative declaration.

Applicable Cases

There is significant state interest in assuring that viable multimodal transportation programs are available throughout the state. The legislature recognizes the need to create a

mechanism to fund multimodal transportation programs and projects. The legislature further recognizes the complexities associated with current funding mechanisms and seeks to create a process that would allow for all transportation programs and projects to compete for limited resources.

[1993 c 393 § 3.]

RCW 47.66.030 Transportation improvement board--Authority--Expenses.

Applicable Cases

(1)(a) The transportation improvement board is authorized and responsible for the final selection of programs and projects funded from the central Puget Sound public transportation account; public transportation systems account; and the intermodal surface transportation and efficiency act of 1991, surface transportation program, state-wide competitive.

(b) The board may establish subcommittees as well as technical advisory committees to carry out the mandates of this chapter.

(2) Expenses of the board, including administrative expenses for managing the program, shall be paid in accordance with RCW 47.26.140.

[1996 c 49 § 3; 1995 c 269 § 2604; 1993 c 393 § 5.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 47.66.040 Selection process--Local matching funds.

Applicable Cases

(1) The transportation improvement board shall select programs and projects based on a competitive process consistent with the mandates governing each account or source of funds. The competition shall be consistent with the following criteria:

- (a) Local, regional, and state transportation plans;
- (b) Local transit development plans; and
- (c) Local comprehensive land use plans.

(2) The following criteria shall be considered by the board in selecting programs and projects:

(a) Objectives of the growth management act, the high capacity transportation act, the commute trip reduction act, transportation demand management programs, federal and state air quality requirements, and federal Americans with disabilities act and related state accessibility requirements; and

(b) Energy efficiency issues, freight and goods movement as related to economic development, regional significance, rural isolation, the leveraging of other funds including funds administered by this board, and safety and security issues.

(3) The board shall determine the appropriate level of local match required for each program and project based on the source of funds.

[1995 c 269 § 2606; 1993 c 393 § 6.]

Notes:

Effective date--1995 c 269: See note following RCW 9.94A.040.

Part headings not law--Severability--1995 c 269: See notes following RCW 13.40.005.

RCW 47.66.900 Effective date--1993 c 393.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993].

[1993 c 393 § 10.]

**Chapter 47.68 RCW
AERONAUTICS**

(Formerly Chapter 14.04 RCW, Aeronautics commission)

RCW

47.68.010	Statement of policy.
47.68.015	Change of meaning, certain terms.
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47.68.350	Hazardous structures and obstacles--Reporting location--Subpoenas.
47.68.360	Hazardous structures and obstacles--Exemption of structures required by federal law to be marked.
47.68.380	Search and rescue.
47.68.900	Severability--1947 c 165.

Notes:

Recycling at airports: RCW 70.93.095.

RCW 47.68.010 Statement of policy.

Applicable Cases

It is hereby declared that the purpose of this chapter is to further the public interest and aeronautical progress by providing for the protection and promotion of safety in aeronautics; by cooperating in effecting uniformity of the laws and regulations relating to the development and regulation of aeronautics in the several states consistent with federal aeronautics laws and regulations; by granting to a state agency such powers and imposing upon it such duties that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property within such jurisdiction, assist in the development of a state-wide system of airports, cooperate with and assist the municipalities of this state and others engaged in aeronautics, and encourage and develop aeronautics; by establishing only such regulations as are essential in order that persons engaged in aeronautics of every character may so engage with the least possible restriction, consistent with the safety and the rights of others; and by providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.

[1947 c 165 § 2; Rem. Supp. 1947 § 10964-82. Formerly RCW 14.04.010.]

RCW 47.68.015 Change of meaning, certain terms.

Applicable Cases

Unless the language specifically indicates otherwise, or unless the context plainly requires a different interpretation:

Wherever in any provision in the Revised Code of Washington the term "Washington state aeronautics commission", "the state aeronautics commission", "the aeronautics commission of the state", "the aeronautics commission", or "the commission" (when referring to the Washington state aeronautics commission) is used, it shall mean the department of transportation

created in RCW 47.01.031.

Wherever in any provision in the Revised Code of Washington the term "state director of aeronautics", "director of aeronautics", or "director" (when referring to the state director of aeronautics) is used, it shall mean the secretary of transportation whose office is created in RCW 47.01.041.

[1977 ex.s. c 151 § 22.]

RCW 47.68.020 Definitions.

Applicable Cases

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Aeronautics" means the science and art of flight and including but not limited to transportation by aircraft; the operation, construction, repair, or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(3) "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or right-of-way, together with all airport buildings and facilities located thereon.

(4) "Department" means the state department of transportation.

(5) "Secretary" means the state secretary of transportation.

(6) "State" or "this state" means the state of Washington.

(7) "Air navigation facility" means any facility, other than one owned or operated by the United States, used in, available for use in, or designed for use in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(8) "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the airspace over this state or upon any airport within this state.

(9) "Airman or airwoman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, airframes, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher or air-traffic control tower operator; but does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, airframes, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by the person.

(10) "Aeronautics instructor" means any individual who for hire or reward engages in giving instruction or offering to give instruction in flying or ground subjects pertaining to aeronautics, but excludes any instructor in a public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work, who instructs in flying or ground subjects pertaining to aeronautics, while in the performance of his or her duties at such school, university, or institution.

(11) "Air school" means any person who advertises, represents, or holds out as giving or offering to give instruction in flying or ground subjects pertaining to aeronautics whether for or without hire or reward; but excludes any public school, university, or institution of higher learning duly accredited and approved for carrying on collegiate work.

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(13) "Municipal" means pertaining to a municipality, and "municipality" means any county, city, town, authority, district, or other political subdivision or public corporation of this state.

(14) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

(15) "State airway" means a route in the navigable airspace over and above the lands or waters of this state, designated by the department as a route suitable for air navigation.

[1993 c 208 § 4; 1984 c 7 § 342; 1947 c 165 § 1; Rem. Supp. 1947 § 10964-81. Formerly RCW 14.04.020.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.060 Offices.

Applicable Cases

Suitable offices and office equipment shall be provided by the state for the aeronautics division of the department of transportation in a city in the state that it may designate, and the department may incur the necessary expense for office furniture, stationery, printing, incidental expenses, and other expenses necessary for the administration of this chapter.

[1984 c 7 § 343; 1947 c 165 § 6; Rem. Supp. 1947 § 10964-86. Formerly RCW 14.04.060.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.070 General powers.

Applicable Cases

The department has general supervision over aeronautics within this state. It is empowered and directed to encourage, foster, and assist in the development of aeronautics in this state and to encourage the establishment of airports and air navigation facilities. It shall cooperate

with and assist the federal government, the municipalities of this state, and other persons in the development of aeronautics, and shall seek to coordinate the aeronautical activities of these bodies and persons. Municipalities are authorized to cooperate with the department in the development of aeronautics and aeronautical facilities in this state.

[1984 c 7 § 344; 1947 c 165 § 7; Rem. Supp. 1947 § 10964-87. Formerly RCW 14.04.070.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.080 Drafts of legislation, other duties.

Applicable Cases

The department may draft and recommend necessary legislation to advance the interests of the state in aeronautics, represent the state in aeronautical matters before federal agencies and other state agencies, and participate as party plaintiff or defendant or as intervener on behalf of the state or any municipality or citizen thereof in any controversy which involves the interest of the state in aeronautics.

[1984 c 7 § 345; 1947 c 165 § 8; 1945 c 252 § 5; Rem. Supp. 1947 § 10964-88. Formerly RCW 14.04.080.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.090 Aid to municipalities, Indian tribes--Federal aid.

Applicable Cases

The department of transportation may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

The department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or to any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes and to be held available for the general use of the public, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan or both shall be in excess of two hundred fifty thousand dollars for any one project: PROVIDED FURTHER, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly, or the tribe or tribes acting jointly shall from their own funds match any funds made available by the department upon such ratio as the department may prescribe.

The department is authorized to act as agent of any municipality or municipalities acting

jointly or any tribe or tribes acting jointly, upon the request of such municipality or municipalities, or such tribe or tribes in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of an airport or air navigation facility; and if requested by such municipality or municipalities, or tribe or tribes, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities and tribes are authorized to designate the department as their agent for the foregoing purposes. The department, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the department pursuant to this section must apply equally to tribal and nontribal members: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the department, and shall be due and payable to the department immediately.

[1980 c 67 § 1; 1975 1st ex.s. c 161 § 1; 1947 c 165 § 9; Rem. Supp. 1947 § 10964-89. Formerly RCW 14.04.090.]

Notes:

Distributor of aircraft fuel defined: RCW 82.42.010(7).

RCW 47.68.100 Acquisition and disposal of airports, facilities, etc.

Applicable Cases

The department is authorized on behalf of and in the name of the state, out of appropriations and other moneys made available for such purposes, to plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports, air navigation facilities, and air markers and/or air marking systems, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air

travelers. For such purposes the department may by purchase, gift, devise, lease, condemnation, or otherwise, acquire property, real or personal, or any interest therein, including easements or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, marking, or lighting of obstructions or airport hazards, or to prevent the establishment of airport hazards. In like manner the department may acquire existing airports and air navigation facilities. However, it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality. The department may by sale, lease, or otherwise, dispose of any property, airport, air navigation facility, or portion thereof or interest therein. The disposal by sale, lease, or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the department deems in the best interest of the state. The department may exercise any powers granted by this section jointly with any municipalities, agencies, or departments of the state government, with other states or their municipalities, or with the United States.

[1984 c 7 § 346; 1947 c 165 § 10; Rem. Supp. 1947 § 10964-90. Formerly RCW 14.04.100.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.110 Zoning powers not interfered with.

Applicable Cases

Nothing contained in this chapter shall be construed to limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning.

[1947 c 165 § 11; Rem. Supp. 1947 § 10964-91. Formerly RCW 14.04.110.]

Notes:

Planning commissions: Chapter 35.63 RCW.

RCW 47.68.120 Condemnation, how exercised.

Applicable Cases

In the condemnation of property authorized by this chapter, the department shall proceed in the name of the state in the manner that property is acquired by the department for public uses.

[1984 c 7 § 347; 1947 c 165 § 12; Rem. Supp. 1947 § 10964-92. Formerly RCW 14.04.120.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

Acquisition of highway property: Chapter 47.12 RCW.

Eminent domain by state: Chapter 8.04 RCW.

RCW 47.68.130 Contracts or leases of facilities in operating airports.

Applicable Cases

In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding twenty-five years with any persons. The department may grant the privilege of using or improving the airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes, confer the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or make available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the cost of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion or facility thereof.

[1984 c 7 § 348; 1947 c 165 § 13; Rem. Supp. 1947 § 10964-93. Formerly RCW 14.04.130.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.140 Lease of airports.

Applicable Cases

The department may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty-five years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state: PROVIDED, That no such person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under RCW 47.68.130.

[1983 c 3 § 141; 1947 c 165 § 14; Rem. Supp. 1947 § 10964-94. Formerly RCW 14.04.140.]

RCW 47.68.150 Lien for state's charges.

Applicable Cases

To enforce the payment of any charges for repairs to, improvements, storage, or care of any personal property made or furnished by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state shall have liens on such property, which shall be enforceable by the department as provided by law.

[1984 c 7 § 349; 1947 c 165 § 15; Rem. Supp. 1947 § 10964-95. Formerly RCW 14.04.150.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.160 Acceptance of federal moneys.

Applicable Cases

The department is authorized to accept, receive, receipt for, disburse, and expend federal

moneys, and other moneys public or private, made available to accomplish, in whole or in part, any of the purposes of this section. All federal moneys accepted under this section shall be accepted and expended by the department upon such terms and conditions as are prescribed by the United States. In accepting federal moneys under this section, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under RCW 47.68.090 with respect to federal moneys accepted on behalf of municipalities. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purpose of which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available.

[1983 c 3 § 142; 1947 c 165 § 16; 1945 c 252 § 7; Rem. Supp. 1947 § 10964-96. Formerly RCW 14.04.160.]

RCW 47.68.170 State airways system.

Applicable Cases

The department may designate, design, and establish, expand, or modify a state airways system that will best serve the interest of the state. It may chart the airways system and arrange for publication and distribution of such maps, charts, notices, and bulletins relating to the airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, if the facilities conform to federal safety standards.

[1984 c 7 § 350; 1947 c 165 § 17; Rem. Supp. 1947 § 10964-97. Formerly RCW 14.04.170.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.180 Execution of necessary contracts.

Applicable Cases

The department may enter into any contracts necessary to the execution of the powers granted it by this chapter. All contracts made by the department, either as the agent of the state or as the agent of any municipality, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal moneys, the department as agent of the state or of any municipality, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules or regulations made thereunder.

[1984 c 7 § 351; 1947 c 165 § 18; Rem. Supp. 1947 § 10964-98. Formerly RCW 14.04.180.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.185 Establishment of procedures required by conditions of federal transfers of facilities.

Applicable Cases

The department is authorized to establish the necessary accounts or administrative procedures required by conditions attached to transfers of airport facilities from the federal government to the state of Washington.

[1984 c 7 § 352; 1963 c 73 § 1. Formerly RCW 14.04.185.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.190 Exclusive grants prohibited.

Applicable Cases

The department shall not grant any exclusive right for the use of any landing area or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this chapter.

[1984 c 7 § 353; 1947 c 165 § 19; Rem. Supp. 1947 § 10964-99. Formerly RCW 14.04.190.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.200 Exercise of powers, public and governmental purpose.

Applicable Cases

The acquisition of any lands or interest therein pursuant to this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any municipality or municipalities, and the exercise of any other powers herein granted to the department are public and governmental functions, exercised for a public purpose, and matters of public necessity. All lands and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter shall and are declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

[1984 c 7 § 354; 1947 c 165 § 20; Rem. Supp. 1947 § 10964-100. Formerly RCW 14.04.200.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.210 Rules--Standards.

Applicable Cases

The department of transportation may perform such acts, issue and amend such orders, make, promulgate, and amend such reasonable general rules, and procedures, and establish such minimum standards, consistent with the provisions of this chapter, as it shall deem necessary to perform its duties hereunder; all commensurate with and for the purpose of protecting and

insuring the general public interest and safety, the safety of persons operating, using or traveling in aircraft or persons receiving instruction in flying or ground subjects pertaining to aeronautics, and the safety of persons and property on land or water, and developing and promoting aeronautics in this state. No rule of the department shall apply to airports or air navigation facilities owned or operated by the United States.

The department shall keep on file with the code reviser, and at the principal office of the department, a copy of all its rules for public inspection.

The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

[1982 c 35 § 198; 1947 c 165 § 21; Rem. Supp. 1947 § 10964-101. Formerly RCW 14.04.210.]

Notes:

Intent--Severability--Effective dates--Application--1982 c 35: See notes following RCW 43.07.160.
Notice of meetings: Chapter 42.30 RCW.

RCW 47.68.220 Operating aircraft recklessly or under influence of intoxicants or drugs.

Applicable Cases

It shall be unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air or on the ground or water, in a careless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless may consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

[1947 c 165 § 22; Rem. Supp. 1947 § 10964-102. Formerly RCW 14.04.220.]

RCW 47.68.230 Aircraft, airman, and airwoman certificates required.

Applicable Cases

It shall be unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit or license issued by the United States, if such certificate, permit or license is required by the United States, and a current registration certificate issued by the secretary of transportation, if registration of the aircraft with the department of transportation is required by this chapter. It shall be unlawful for any person to engage in aeronautics as an airman or airwoman in the state unless the person has an appropriate effective airman or airwoman certificate, permit, rating or license issued by the United States authorizing him or her to engage in the particular class of aeronautics in which he or she is engaged, if such certificate, permit, rating or license is required by the United States and a current airman's or airwoman's registration certificate issued by the department of transportation as required by RCW 47.68.233 or 47.68.234.

Where a certificate, permit, rating or license is required for an airman or airwoman by the United States or by RCW 47.68.233 or 47.68.234, it shall be kept in his or her personal possession when he or she is operating within the state. Where a certificate, permit or license is

required by the United States or by this chapter for an aircraft, it shall be carried in the aircraft at all times while the aircraft is operating in the state and shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates shall be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official or employee of the department of transportation authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager or person in charge of any airport, or upon the reasonable request of any person.

[1993 c 208 § 5; 1987 c 220 § 1; 1979 c 158 § 205; 1967 ex.s. c 68 § 2; 1967 ex.s. c 9 § 7; 1949 c 49 § 11; 1947 c 165 § 23; Rem. Supp. 1949 § 10964-103. Formerly RCW 14.04.230.]

RCW 47.68.233 Registration of pilots--Certificates--Fees--Exemptions--Use of fees.

Applicable Cases

The department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state be registered with the department. The department shall charge an annual fee not to exceed ten dollars for each registration. All registration certificates issued under this section shall be renewed annually during the month of the registrant's birthdate.

The registration fee imposed by this section shall be used by the department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the secretary and (b) safety and education.

Registration shall be effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of the certificates.

The provisions of this section do not apply to:

(1) A pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) A person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of the controls and the flight is solely for instruction or for the demonstration of the aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident thereto.

[1987 c 220 § 2; 1984 c 7 § 355; 1983 c 3 § 143; 1967 c 207 § 2. Formerly RCW 14.04.233.]

Notes:

Severability--1987 c 220: See note following RCW 47.68.230.

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.234 Registration of airman and airwoman.

Applicable Cases

The department shall require that every airman or airwoman that is not registered under RCW 47.68.233 and who is a resident of this state, or every nonresident airman or airwoman who is regularly performing duties as an airman or airwoman within this state, be registered with the department. The department shall charge an annual fee not to exceed ten dollars for each registration. A registration certificate issued under this section is to be renewed annually during the month of the registrant's birthdate.

The department shall use the registration fee imposed under this section for the purposes of: (1) Search and rescue of lost and downed aircraft and airmen or airwomen under the direction and supervision of the secretary; and (2) safety and education.

Registration is affected [effected] by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and, in connection with the certificates, shall provide requirements for the possession and exhibition of the certificates.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident to this section.

[1993 c 208 § 3.]

RCW 47.68.235 License or certificate suspension--Noncompliance with support order--Reissuance.

Applicable Cases

The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

[1997 c 58 § 859.]

Notes:

***Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for noncompliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Short title--Part headings, captions, table of contents not law--Exemptions and waivers from federal law--Conflict with federal requirements--Severability--1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates--Intent--1997 c 58: See notes following RCW 74.20A.320.

RCW 47.68.236 Aircraft search and rescue, safety, and education account.

Applicable Cases

There is hereby created in the transportation fund of the state treasury an account to be known as the aircraft search and rescue, safety, and education account. All moneys received by the department under RCW 47.68.233 shall be deposited in such account.

[1995 c 170 § 4; 1991 sp.s. c 13 § 38; 1985 c 57 § 63; 1983 c 3 § 144; 1967 c 207 § 3. Formerly RCW 14.04.236.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Effective date--1985 c 57: See note following RCW 18.04.105.

RCW 47.68.240 Penalties for violations.

Applicable Cases

Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished as provided under chapter 9A.20 RCW, except that any person violating any of the provisions of RCW 47.68.220 or 47.68.230 shall be guilty of a gross misdemeanor which shall be punished as provided under chapter 9A.20 RCW. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

[1999 c 277 § 5; 1993 c 238 § 3; 1987 c 202 § 216; 1983 c 3 § 145; 1947 c 165 § 24; Rem. Supp. 1947 § 10964-104. Formerly RCW 14.04.240.]

Notes:

Intent--1987 c 202: See note following RCW 2.04.190.

RCW 47.68.250 Registration of aircraft.

Applicable Cases

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of eight dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which

registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within one week of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered.

[1999 c 302 § 2; 1998 c 188 § 1; 1995 c 170 § 3; 1993 c 208 § 7; 1987 c 220 § 3; 1979 c 158 § 206; 1967 ex.s. c 9 § 8; 1955 c 150 § 11; 1949 c 49 § 12; 1947 c 165 § 25; Rem. Supp. 1949 § 10964-105. Formerly RCW 14.04.250.]

Notes:

Severability--1987 c 220: See note following RCW 47.68.230.

Aircraft dealers: Chapter 14.20 RCW.

Definition of terms: RCW 14.20.010, 47.68.020.

RCW 47.68.255 Evasive registration.

Applicable Cases

(1) A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country avoiding the Washington aircraft taxes, commits a violation of this section and is liable for those unpaid taxes and for a monetary penalty not less than one thousand dollars but not more than ten thousand dollars for each violation.

(2) The penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due. The state patrol may, upon written application for review, received within fifteen days, remit or mitigate a penalty provided for in this section or discontinue an action to recover the penalty upon such terms it deems proper and may ascertain the facts in a manner and under rules it deems proper. If the amount of the penalty is not paid to the state patrol within fifteen days after receipt of the notice imposing the penalty, or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of the application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any other county in which the violator does business, to recover the penalty, administrative fees, and attorneys' fees. All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund for the license fraud task force. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

[1999 c 277 § 6; 1996 c 184 § 3; 1993 c 238 § 2.]

Notes:

Effective date--1996 c 184: See note following RCW 46.16.010.

License fraud--Penalties, procedures: RCW 46.16.0101.

RCW 47.68.280 Investigations, hearings, etc.--Subpoenas--Compelling attendance.

Applicable Cases

The department or any officer or employee of the department designated by it has the power to hold investigations, inquiries, and hearings concerning matters covered by this chapter including accidents in aeronautics within this state. Hearings shall be open to the public and, except as hereinafter provided, shall be held upon such call or notice as the department deems advisable. The department and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance of witnesses and the production of papers, books and documents. In case of the failure of a person to comply with a

subpoena or order issued under the authority of this section, the department or its authorized representatives may invoke the aid of a competent court of general jurisdiction. The court may thereupon order the person to comply with the requirements of the subpoena or order or to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt thereof.

[1984 c 7 § 356; 1947 c 165 § 28; Rem. Supp. 1947 § 10964-108. Formerly RCW 14.04.280.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.290 Joint hearings--Cooperation.

Applicable Cases

The department may confer with or hold joint hearings with any agency of the United States in connection with any matter arising under this chapter or relating to the development of aeronautics.

The department may avail itself of the cooperation, services, records, and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this chapter, and shall furnish to the agencies of the United States such services, records, and facilities as are practicable.

The department shall report to the appropriate agency of the United States all accidents in aeronautics in this state of which it is informed, and shall in so far as is practicable preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

[1984 c 7 § 357; 1947 c 165 § 29; Rem. Supp. 1947 § 10964-109. Formerly RCW 14.04.290.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.300 State and municipal agencies to cooperate.

Applicable Cases

In carrying out this chapter the department may use the facilities and services of other agencies of the state and of the municipalities of the state to the utmost extent possible, and the agencies and municipalities are authorized and directed to make available their facilities and services.

[1984 c 7 § 358; 1947 c 165 § 30; Rem. Supp. 1947 § 10964-110. Formerly RCW 14.04.300.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.310 Enforcement of aeronautics laws.

Applicable Cases

It is the duty of the secretary, the department, the officers and employees of the department, and every state and municipal officer charged with the enforcement of state and

municipal laws to enforce and assist in the enforcement of this chapter and of all other laws of this state relating to aeronautics. The secretary and those officers or employees of the department designated by the secretary in writing are granted police powers solely for the enforcement of state aeronautics laws and the rules having the effect of law.

[1984 c 7 § 359; 1955 c 204 § 1; 1947 c 165 § 31; Rem. Supp. 1947 § 10964-111. Formerly RCW 14.04.310.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.320 Service of orders--Hearings--Review.

Applicable Cases

Every order of the department requiring performance of certain acts or compliance with certain requirements and any denial or revocation of an approval, certificate, or license shall set forth the reasons and shall state the acts to be done or requirements to be met before approval by the department will be given or the approval, license, or certificate granted or restored, or the order modified or changed. Orders issued by the department under this chapter shall be served upon the persons affected either by certified mail or in person. In every case where notice and opportunity for a hearing are required under this chapter, the order of the department shall, on not less than ten days notice, specify a time when and place where the person affected may be heard, or the time within which the person may request a hearing, and the order shall become effective upon the expiration of the time for exercising the opportunity for a hearing, unless a hearing is held or requested within the time provided, in which case the order shall be suspended until the department affirms, disaffirms, or modifies the order after a hearing has been held or default by the person has been affected. To the extent practicable, hearings on the orders shall be in the county where the affected person resides or does business. Any person aggrieved by an order of the department or by the grant, denial, or revocation of an approval, license, or certificate may have the action of the department reviewed by the courts of this state under chapter 34.05 RCW.

[1984 c 7 § 360; 1947 c 165 § 32; Rem. Supp. 1947 § 10964-112. Formerly RCW 14.04.320.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.330 Exchange of data, reports of violations, etc.

Applicable Cases

The department is authorized to report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violation of RCW 47.68.220 and 47.68.230 and all penalties, of which it has knowledge, imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules, regulations, or orders of the department. The department is authorized to receive reports of penalties and other data from agencies of the federal government and other states and, when necessary, to enter into agreements with federal agencies and the agencies of other states governing the delivery, receipt, exchange, and use of reports and data. The department may make

the reports and data of the federal agencies, the agencies of other states, and the courts of this state available, with or without request therefor, to any and all courts of this state.

[1983 c 3 § 146; 1947 c 165 § 33; Rem. Supp. 1947 § 10964-113. Formerly RCW 14.04.330.]

RCW 47.68.340 Hazardous structures and obstacles--Marking--Hearing to determine hazard.

Applicable Cases

A structure or obstacle that obstructs the air space above ground or water level, when determined by the department after a hearing to be a hazard or potential hazard to the safe flight of aircraft, shall be plainly marked, illuminated, painted, lighted, or designated in a manner to be approved in accordance with the general rules of the department so that the structure or obstacle will be clearly visible to airmen. In determining which structures or obstacles constitute a safety hazard, or a hazard to flight, the department shall take into account those obstacles located at a river, lake, or canyon crossing, and in other low-altitude flight paths usually traveled by aircraft including, but not limited to, airport areas and runway departure and approach areas as defined by federal air regulations.

[1995 c 153 § 2; 1984 c 7 § 361; 1961 c 263 § 2. Formerly RCW 14.04.340.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.350 Hazardous structures and obstacles--Reporting location--Subpoenas.

Applicable Cases

The secretary may require owners, operators, lessees, or others having the control or management of structures or obstacles over one hundred fifty feet above ground or water level and that are or may become a hazard to air flight to report the location of the existing or proposed structures or obstacles to the department. For that purpose the secretary may issue subpoenas and subpoenas duces tecum returnable within twenty days to the department. If a person refuses to obey the secretary's subpoena, the department may certify to the superior court all facts of the refusal. The court shall summarily hear evidence on the refusal, and, if the evidence warrants, punish the person refusing in the same manner and to the same extent as a contempt committed before the court.

[1984 c 7 § 362; 1961 c 263 § 3. Formerly RCW 14.04.350.]

Notes:

Severability--1984 c 7: See note following RCW 47.01.141.

RCW 47.68.360 Hazardous structures and obstacles--Exemption of structures required by federal law to be marked.

Applicable Cases

RCW 47.68.340 and 47.68.350 shall not apply to structures required to be marked by federal regulations.

[1983 c 3 § 147; 1961 c 263 § 4. Formerly RCW 14.04.360.]

RCW 47.68.380 Search and rescue.

Applicable Cases

The aviation division is responsible for the conduct and management of all aerial search and rescue within the state. This includes search and rescue efforts involving aircraft and airships. The division is also responsible for search and rescue activities involving electronic emergency signaling devices such as emergency locator transmitters (ELT's) and emergency position indicating radio beacons (EPIRB's).

[1995 c 153 § 1.]

RCW 47.68.900 Severability--1947 c 165.

Applicable Cases

If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

[1947 c 165 § 35. Formerly RCW 14.04.900.]

**Chapter 47.72 RCW
NAVIGATION CANALS**

(Formerly Chapter 91.12 RCW, Canal commission)

RCW

47.72.010	Declaration of purpose.
47.72.050	Powers and duties.
47.72.060	"Canal" defined.

RCW 47.72.010 Declaration of purpose.

Applicable Cases

The purposes of this chapter are to aid commerce and navigation, including the development of recreational facilities related thereto, and to otherwise promote the general welfare by the development of navigation canals within the boundaries of the state of Washington.

[1965 ex.s. c 123 § 1. Formerly RCW 91.12.010.]

RCW 47.72.050 Powers and duties.

Applicable Cases

In its capacity as successor to the canal commission, the department of transportation may:

- (1) Adopt rules and regulations necessary to carry out the purposes of this chapter.

(2) Make such investigations, surveys, and studies it deems necessary to determine the feasibility of the development of a navigation canal, or systems of navigation canals within the state of Washington.

(3) Construct, maintain, and/or operate any navigation canal, or navigation canal systems deemed feasible by the department of transportation.

(4) Acquire by gift, purchase, or condemnation from any person, municipal, public, or private corporation, or the state of Washington, or lease from the United States of America, any lands, rights of way, easements, or property rights in, over, or across lands or waters necessary for the construction, operation, or maintenance of any navigation canal, or navigation canal system. The acquisition of such rights is for a public use. The exercise of the right of eminent domain shall be in the manner provided by chapter 8.04 RCW, and all actions initiated thereunder shall be brought in the name of the department of transportation.

(5) Hold public hearings. Prior to a determination of feasibility for any proposed project, the department shall hold a public hearing so that members of the public may present their views thereon.

(6) Accept and expend moneys appropriated by the legislature or received from any public or private source, including the federal government, in carrying out the purposes of this chapter.

(7) Negotiate and cooperate with the United States of America for the purpose of inducing the United States to undertake the construction, operation, or maintenance of any navigation canal, or navigation canal system provided for in this chapter.

(8) As a local sponsor cooperate, contract, and otherwise fully participate on behalf of the state of Washington with the United States of America, in any study relating to a determination of feasibility of a navigation canal or navigation canal system, and in any project relating to the construction, operation, or maintenance of a navigation canal, or navigation canal system to be undertaken by the United States of America.

The authority granted herein includes, but is not limited to, contributing such moneys to the United States of America as may be required and appropriated for that purpose by the legislature and furnishing without cost to the United States of America all lands, easements, and rights of way, performing all necessary alterations to utilities arising from any project, and holding the United States of America free from any claims for damages arising out of the construction of any project.

[1977 ex.s. c 151 § 75; 1965 ex.s. c 123 § 5. Formerly RCW 91.12.050.]

RCW 47.72.060 "Canal" defined.

Applicable Cases

For the purposes of this chapter, "canal" is defined as any waterway for navigation created by construction of reservoirs or construction of channels by excavation in dry ground, in streams, rivers or in tidal waters and any existing waterway incorporated into such a canal and including any appurtenant features necessary for operation and maintenance of the canal.

[1965 ex.s. c 123 § 6. Formerly RCW 91.12.060.]

Chapter 47.74 RCW
MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

RCW

47.74.010 Multistate Highway Transportation Agreement enacted, terms.

47.74.020 Appointment of delegates to represent state.

RCW 47.74.010 Multistate Highway Transportation Agreement enacted, terms.

Applicable Cases

The Multistate Highway Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining therein as follows:

MULTISTATE HIGHWAY
TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

ARTICLE I
Findings and Purposes

SECTION 1. Findings. The participating jurisdictions find that:

- (a) The expanding regional economy depends on expanding transportation capacity;
- (b) Highway transportation is the major mode for movement of people and goods in the western states;
- (c) Uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;
- (d) A number of western states, already having adopted substantially the 1964 Bureau of Public Roads recommended vehicle size and weight standards, still find current federal limits more restrictive;
- (e) The 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly ninety-two percent complete; and
- (f) The participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.

SECTION 2. Purposes. The purposes of this agreement are to:

- (a) Adhere to the principle that each participating jurisdiction should have the freedom to

develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system;

(b) Establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards;

(c) Promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement;

(d) Secure uniformity insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards;

(e) Provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article.

ARTICLE II Definitions

SECTION 1. As used in this agreement:

(a) "Designated representative" means a legislator or other person authorized to represent the jurisdiction;

(b) "Jurisdiction" means a state of the United States or the District of Columbia;

(c) "Vehicle" means any vehicle as defined by statute to be subject to size and weight standards which operates in two or more participating jurisdictions.

ARTICLE III General Provisions

SECTION 1. Qualifications for Membership. Participation in this agreement is open to jurisdictions which subscribe to the findings, purposes, and objectives of this agreement and will seek legislation necessary to accomplish these objectives.

SECTION 2. Cooperation. The participating jurisdictions, working through their designated representatives, shall cooperate and assist each other in achieving the desired goals of this agreement pursuant to appropriate statutory authority.

SECTION 3. Effect of Headings. Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section hereof.

SECTION 4. Vehicle Laws and Regulations. This agreement shall not authorize the operation of a vehicle in any participating jurisdiction contrary to the laws or regulations thereof.

SECTION 5. Interpretation. The final decision regarding interpretation of questions at issue relating to this agreement shall be reached by unanimous joint action of the participating jurisdictions, acting through the designated representatives. Results of all such actions shall be placed in writing.

SECTION 6. Amendment. This agreement may be amended by unanimous joint action of

the participating jurisdictions, acting through the officials thereof authorized to enter into this agreement, subject to the requirements of section 4, article III. Any amendment shall be placed in writing and become a part hereof.

SECTION 7. Restrictions, Conditions, or Limitations. Any jurisdiction entering this agreement shall provide each other participating jurisdiction with a list of any restriction, condition, or limitation on the general terms of this agreement, if any.

SECTION 8. Additional Jurisdictions. Additional jurisdictions may become members of this agreement by signing and accepting the terms of the agreement.

ARTICLE IV Cooperating Committee

SECTION 1. Pursuant to section 2, article III, the designated representatives of the participating jurisdictions shall constitute a committee which shall have the power to:

(a) Collect, correlate, analyze, and evaluate information resulting or derivable from research and testing activities in relation to vehicle size and weight related matters;

(b) Recommend and encourage the undertaking of research and testing in any aspect of vehicle size and weight or related matter when, in their collective judgment, appropriate or sufficient research or testing has not been undertaken;

(c) Recommend changes in law or policy with emphasis on compatibility of laws and uniformity of administrative rules or regulations which would promote effective governmental action or coordination in the field of vehicle size and weight related matters.

SECTION 2. Each participating jurisdiction shall be entitled to one vote only. No action of the committee shall be binding unless a majority of the total number of votes cast by participating jurisdictions are in favor thereof.

SECTION 3. The committee shall meet at least once annually and shall elect, from among its members, a chairman, a vice-chairman, and a secretary.

SECTION 4. The committee shall submit annually to the legislature of each participating jurisdiction, no later than November 1st, a report setting forth the work of the committee during the preceding year and including recommendations developed by the committee. The committee may submit such additional reports as it deems appropriate or desirable. Copies of all such reports shall be made available to the Transportation Committee of the Western Conference, Council of State Governments, and to the Western Association of State Highway and Transportation Officials.

ARTICLE V Objectives of the Participating Jurisdictions

SECTION 1. Objectives. The participating jurisdictions hereby declare that:

(a) It is the objective of the participating jurisdictions to obtain more efficient and more economical transportation by motor vehicles between and among the participating jurisdictions

by encouraging the adoption of standards that will, as minimums, allow the operation on all state highways, except those determined through engineering evaluation to be inadequate, with a single-axle weight of 20,000 pounds, a tandem-axle weight of 34,000 pounds, and a gross vehicle or combination weight of that resulting from application of the formula:

$$W = 500 ((LN/N - 1) + 12N + 36)$$

where W = maximum weight in pounds carried on any group of two or computed to nearest 500 pounds.

L = distance in feet between the extremes of any group of two or more consecutive axles.

N = number of axles in group under consideration.

(b) It is the further objective of the participating jurisdictions that in the event the operation of a vehicle or combination of vehicles according to the provisions of subsection (a) of this section would result in withholding or forfeiture of federal-aid funds pursuant to section 127, title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction which could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to.

(c) The objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected.

(d) It is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including, but not limited to, the development of: uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules and regulations for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and such other matters as may be pertinent.

(e) In recognition of the limited prospects of federal revision of section 127, title 23, U.S. Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture of federal-aid highway funds, it is the further objective of the participating jurisdictions to secure congressional approval of this agreement and, specifically of the vehicle size and

weight standards set forth in subsection (a) of this section.

(f) In recognition of desire for a degree of national uniformity of size and weight regulations, it is the further objective to encourage development of broad, uniform size and weight standards on a national basis, and further that procedures adopted under this agreement be compatible with national standards.

ARTICLE VI

Entry Into Force and Withdrawal

SECTION 1. This agreement shall enter into force when enacted into law by any two or more jurisdictions. Thereafter, this agreement shall become effective as to any other jurisdiction upon its enactment thereof, except as otherwise provided in section 8, article III.

SECTION 2. Any participating jurisdiction may withdraw from this agreement by canceling the same, but no such withdrawal shall take effect until thirty days after the designated representative of the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating jurisdictions.

ARTICLE VII

Construction and Severability

SECTION 1. This agreement shall be liberally construed so as to effectuate the purposes thereof.

SECTION 2. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any participating jurisdiction or the applicability thereto to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement shall not be affected thereby. If this agreement shall be held contrary to the constitution of any jurisdiction participating herein, the agreement shall remain in full force and effect as to the jurisdictions affected as to all severable matters.

ARTICLE VIII

Filing of Documents

SECTION 1. A copy of this agreement, its amendments, and rules or regulations promulgated thereunder and interpretations thereof shall be filed in the highway department in each participating jurisdiction and shall be made available for review by interested parties.

ARTICLE IX

Existing Statutes Not Repealed

SECTION 1. All existing statutes prescribing weight and size standards and all existing

statutes relating to special permits shall continue to be of force and effect until amended or repealed by law.

ARTICLE X
State Government Departments
Authorized to Cooperate with Cooperating Committee

SECTION 1. Within appropriations available therefor, the departments, agencies, and officers of the government of this state shall cooperate with and assist the cooperating committee within the scope contemplated by article IV, section 1 (a) and (b) of the agreement. The departments, agencies, and officers of the government of this state are authorized generally to cooperate with said cooperating committee.

[1983 c 82 § 1.]

RCW 47.74.020 Appointment of delegates to represent state.

Applicable Cases

The chairman of the legislative transportation committee shall appoint a delegate and such alternates as may be appropriate to represent the state on the cooperating committee established by the Multistate Highway Transportation Agreement.

[1983 c 82 § 2.]

**Chapter 47.76 RCW
RAIL FREIGHT SERVICE**

RCW

47.76.200	Legislative findings.
47.76.210	State freight rail program.
47.76.220	State rail plan--Contents.
47.76.230	Freight rail planning.
47.76.240	Rail preservation program.
47.76.250	Essential rail assistance account--Purposes.
47.76.270	Essential rail banking account merged into essential rail assistance account.
47.76.280	Sale or lease for use as rail service--Time limit.
47.76.290	Sale or lease for other use--Authorized buyers, notice, terms, deed, deposit of moneys.
47.76.300	Sale for other use--Governmental entity.
47.76.310	Rent or lease of lands.
47.76.320	Sale at public auction.
47.76.330	Eminent domain exemptions.
47.76.340	Evaluating program performance.
47.76.350	Monitoring federal rail policies.

RCW 47.76.200 Legislative findings.

Applicable Cases

The legislature finds that a balanced multimodal transportation system is required to

maintain the state's commitment to the growing mobility needs of its citizens and commerce. The state's freight rail system, including branch lines, mainlines, rail corridors, terminals, yards, and equipment, is an important element of this multimodal system. Washington's economy relies heavily upon the freight rail system to ensure movement of the state's agricultural, chemical, and natural resources and manufactured products to local, national, and international markets and thereby contributes to the economic vitality of the state.

Since 1970, Washington has lost over one-third of its rail miles to abandonment and bankruptcies. The combination of rail abandonments and rail system capacity constraints may alter the delivery to market of many commodities. In addition, the resultant motor vehicle freight traffic increases the burden on state highways and county roads. In many cases, the cost of maintaining and upgrading the state highways and county roads exceeds the cost of maintaining rail freight service. Thus, the economy of the state will be best served by a policy of maintaining and encouraging a healthy rail freight system by creating mechanisms that keep rail freight lines operating if the benefits of the service outweigh the cost.

Recognizing the implications of this trend for freight mobility and the state's economic future, the legislature finds that better freight rail planning, better cooperation to preserve rail lines, and increased financial assistance from the state are necessary to maintain and improve the freight rail system within the state.

[1995 c 380 § 1; 1993 c 224 § 1; 1983 c 303 § 4. Formerly RCW 47.76.010.]

Notes:

Severability--1983 c 303: See RCW 36.60.905.

RCW 47.76.210 State freight rail program.

Applicable Cases

The Washington state department of transportation shall implement a state freight rail program that supports the freight rail service objectives identified in the state's multimodal transportation plan required under chapter 47.06 RCW. The support may be in the form of projects and strategies that support branch lines and light-density lines, provide access to ports, maintain adequate mainline capacity, and preserve or restore rail corridors and infrastructure.

[1995 c 380 § 2; 1990 c 43 § 2. Formerly RCW 47.76.110.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.220 State rail plan--Contents.

Applicable Cases

(1) The department of transportation shall prepare and periodically update a state rail plan, the objective of which is to identify, evaluate, and encourage essential rail services. The plan shall:

- (a) Identify and evaluate mainline capacity issues;
- (b) Identify and evaluate port-to-rail access and congestion issues;

(c) Identify and evaluate those rail freight lines that may be abandoned or have recently been abandoned;

(d) Quantify the costs and benefits of maintaining rail service on those lines that are likely to be abandoned;

(e) Establish priorities for determining which rail lines should receive state support. The priorities should include the anticipated benefits to the state and local economy, the anticipated cost of road and highway improvements necessitated by the abandonment or capacity constraints of the rail line, the likelihood the rail line receiving funding can meet operating costs from freight charges, surcharges on rail traffic, and other funds authorized to be raised by a county or port district, and the impact of abandonment or capacity constraints on changes in energy utilization and air pollution;

(f) Identify and describe the state's rail system;

(g) Prepare a state freight rail system map;

(h) Identify and evaluate rail commodity flows and traffic types;

(i) Identify lines and corridors that have been rail banked or preserved; and

(j) Identify and evaluate other issues affecting the state's rail traffic.

(2) The state rail plan may be prepared in conjunction with the rail plan prepared by the department pursuant to the federal Railroad Revitalization and Regulatory Reform Act.

[1995 c 380 § 3; 1993 c 224 § 2; 1985 c 432 § 1; 1983 c 303 § 5. Formerly RCW 47.76.020.]

Notes:

Severability--1983 c 303: See RCW 36.60.905.

RCW 47.76.230 Freight rail planning.

Applicable Cases

(1) The department of transportation shall continue its responsibility for the development and implementation of the state rail plan and programs, and the utilities and transportation commission shall continue its responsibility for intrastate rates, service, and safety issues.

(2) The department of transportation shall maintain an enhanced data file on the rail system. Proprietary annual station traffic data from each railroad and the modal use of major shippers shall be obtained to the extent that such information is available.

(3) The department of transportation shall provide technical assistance, upon request, to state agencies and local interests. Technical assistance includes, but is not limited to, the following:

(a) Rail project cost-benefit analyses conducted in accordance with methodologies recommended by the Federal Railroad Administration;

(b) Assistance in the formation of county rail districts and port districts; and

(c) Feasibility studies for rail service continuation and/or rail service assistance.

(4) With funding authorized by the legislature, the department of transportation, in collaboration with the department of community, trade, and economic development, and local economic development agencies, and other interested public and private organizations, shall develop a cooperative process to conduct community and business information programs and to

regularly disseminate information on rail matters.

[1995 c 380 § 4; 1990 c 43 § 3. Formerly RCW 47.76.120.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.240 Rail preservation program.

Applicable Cases

The state, counties, local communities, ports, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines that provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

State funding for rail service, rail preservation, and corridor preservation projects must benefit the state's interests. The state's interest is served by reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, preserving jobs, and enhancing safety. State funding for projects is contingent upon appropriate local jurisdiction and private sector participation and cooperation. Before spending state moneys on projects the department shall seek federal, local, and private funding and participation to the greatest extent possible.

(1) The department of transportation shall continue to monitor the status of the state's mainline and branchline common carrier railroads and preserved rail corridors through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) The department of transportation, in consultation with the Washington state freight rail policy advisory committee, shall establish criteria for evaluating rail projects and corridors of significance to the state.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

(5) The department of transportation shall continue to monitor projects for which it provides assistance.

[1995 c 380 § 5; 1993 c 224 § 3; 1990 c 43 § 4. Formerly RCW 47.76.130.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.250 Essential rail assistance account--Purposes.

Applicable Cases

(1) The essential rail assistance account is created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be used by the department or distributed by the department to cities, county rail districts, counties, economic development councils, and port districts for the purpose of:

- (a) Acquiring, rebuilding, rehabilitating, or improving rail lines;
- (b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;
- (c) Constructing railroad improvements to mitigate port access or mainline congestion;
- (d) Construction of loading facilities to increase business on light density lines or to mitigate the impacts of abandonment;
- (e) Preservation, including operation, of light density lines, as identified by the Washington state department of transportation, in compliance with this chapter; or
- (f) Preserving rail corridors for future rail purposes by purchase of rights of way. The department shall first pursue transportation enhancement program funds, available under the federal surface transportation program, to the greatest extent practicable to preserve rail corridors. Purchase of rights of way may include track, bridges, and associated elements, and must meet the following criteria:

(i) The right of way has been identified and evaluated in the state rail plan prepared under this chapter;

(ii) The right of way may be or has been abandoned; and

(iii) The right of way has potential for future rail service.

(3) The department or the participating local jurisdiction is responsible for maintaining any right of way acquired under this chapter, including provisions for drainage management, fire and weed control, and liability associated with ownership.

(4) Nothing in this section impairs the reversionary rights of abutting landowners, if any, without just compensation.

(5) The department, cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired under this chapter.

(6) The department, cities, county rail districts, counties, and port districts may grant trackage rights over rail lines acquired under this chapter.

(7) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or until compensation has been made to the underlying fee title holder or reversionary rights holder.

(8) The department of transportation shall develop criteria for prioritizing freight rail projects that meet the minimum eligibility requirements for state assistance under RCW 47.76.240. The department shall develop criteria in consultation with the Washington state freight rail policy advisory committee. Project criteria should consider the level of local financial commitment to the project as well as cost/benefit ratio. Counties, local communities, railroads, shippers, and others who benefit from the project should participate financially to the greatest extent practicable.

(9) Moneys received by the department from franchise fees, trackage rights fees, and loan payments shall be redeposited in the essential rail assistance account. Repayment of loans made under this section shall occur within a period not longer than fifteen years, as set by the department. The repayment schedule and rate of interest, if any, shall be determined before the distribution of the moneys.

(10) The state shall maintain a contingent interest in any equipment, property, rail line, or facility that has outstanding grants or loans. The owner may not use the line as collateral, remove track, bridges, or associated elements for salvage, or use it in any other manner subordinating the state's interest without permission from the department.

(11) Moneys distributed under this chapter should be provided as loans wherever practicable. Except as provided by section 3, chapter 73, Laws of 1996, for improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.

[1996 c 73 § 2; 1995 c 380 § 6; 1993 c 224 § 4; 1991 sp.s. c 13 § 22; 1991 c 363 § 125; 1990 c 43 § 11. Prior: 1985 c 432 § 2; 1985 c 57 § 64; 1983 c 303 § 6. Formerly RCW 47.76.030.]

Notes:

Effective date--1996 c 73: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 13, 1996]." [1996 c 73 § 4.]

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

Effective date--1985 c 57: See note following RCW 18.04.105.

Severability--1983 c 303: See RCW 36.60.905.

County rail districts: Chapter 36.60 RCW.

Port districts, acquisition and operation of facilities: RCW 53.08.020.

RCW 47.76.270 Essential rail banking account merged into essential rail assistance account.

Applicable Cases

The essential rail banking account is merged into the essential rail assistance account created under RCW 47.76.250. Any appropriations made to the essential rail banking account are transferred to the essential rail assistance account, and are subject to the restrictions of that account.

[1995 c 380 § 7; 1993 c 224 § 6; 1991 sp.s. c 13 § 120; 1991 c 363 § 127; 1990 c 43 § 7. Formerly RCW 47.76.160.]

Notes:

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.280 Sale or lease for use as rail service--Time limit.

Applicable Cases

The department may sell or lease property acquired under this chapter to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity that originally donated funds to the department under this chapter shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service purchases or leases the property within six years after its acquisition by the department, the department may sell or lease such property in the manner provided in RCW 47.76.290. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.300 or 47.76.320.

[1995 c 380 § 8; 1993 c 224 § 7; 1991 sp.s. c 15 § 61; 1991 c 363 § 126; 1985 c 432 § 3. Formerly RCW 47.76.040.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

RCW 47.76.290 Sale or lease for other use--Authorized buyers, notice, terms, deed, deposit of moneys.

Applicable Cases

(1) If real property acquired by the department under this chapter is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell or lease the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;
- (e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

(3) Sales to purchasers may, at the department's option, be for cash or by real estate contract.

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail banking account of the general fund.

[1993 c 224 § 8; 1991 sp.s. c 15 § 62; 1985 c 432 § 4. Formerly RCW 47.76.050.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.300 Sale for other use--Governmental entity.

Applicable Cases

If real property acquired by the department under this chapter is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, or to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail banking account of the general fund.

[1993 c 224 § 9; 1991 sp.s. c 15 § 63; 1985 c 432 § 5. Formerly RCW 47.76.060.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.310 Rent or lease of lands.

Applicable Cases

The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under this chapter, upon such terms and conditions as the department determines.

[1993 c 224 § 10; 1991 sp.s. c 15 § 64; 1985 c 432 § 6. Formerly RCW 47.76.070.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.320 Sale at public auction.

Applicable Cases

(1) If real property acquired by the department under this chapter is not sold, conveyed, or leased to a public or private entity within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate

contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail banking account of the general fund.

[1993 c 224 § 11; 1991 sp.s. c 15 § 65; 1985 c 432 § 7. Formerly RCW 47.76.080.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.330 Eminent domain exemptions.

Applicable Cases

Transfers of ownership of property acquired under this chapter are exempt from chapters 8.25 and 8.26 RCW.

[1993 c 224 § 12; 1991 sp.s. c 15 § 66; 1985 c 432 § 8. Formerly RCW 47.76.090.]

Notes:

Construction--Severability--1991 sp.s. c 15: See note following RCW 46.68.110.

RCW 47.76.340 Evaluating program performance.

Applicable Cases

The department shall evaluate the state freight rail program performance at the end of six years (in 1996) with respect to past and current conditions and future needs. The results of this evaluation shall be presented to the legislative transportation committee.

[1993 c 224 § 13; 1990 c 43 § 8. Formerly RCW 47.76.170.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

RCW 47.76.350 Monitoring federal rail policies.

Applicable Cases

The department of transportation shall continue to monitor federal rail policies and congressional action and communicate to Washington's congressional delegation and federal transportation agencies the need for a balanced transportation system and associated funding.

[1990 c 43 § 10. Formerly RCW 47.76.190.]

Notes:

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

Chapter 47.78 RCW
HIGH CAPACITY TRANSPORTATION DEVELOPMENT

(Formerly Rail service development)

RCW
47.78.010 High capacity transportation account.

RCW 47.78.010 High capacity transportation account.

Applicable Cases

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight, activities associated with freight mobility, and commute trip reduction activities.

[1997 c 457 § 513; (1995 2nd sp.s. c 14 § 528 expired June 30, 1997); 1991 sp.s. c 13 §§ 66, 121; 1990 c 43 § 47; 1987 c 428 § 1.]

Notes:

Severability--1997 c 457: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1997 c 457 § 701.]

Effective date--1997 c 457: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 20, 1997]." [1997 c 457 § 702.]

Expiration date--1995 2nd sp.s. c 14 §§ 511-523, 528-533: See note following RCW 43.105.017.

Effective dates--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Severability--1995 2nd sp.s. c 14: See note following RCW 43.105.017.

Effective dates--Severability--1991 sp.s. c 13: See notes following RCW 18.08.240.

Construction--Severability--Headings--1990 c 43: See notes following RCW 81.100.010.

Effective date--1987 c 428: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987." [1987 c 428 § 4.]

Chapter 47.79 RCW
HIGH-SPEED GROUND TRANSPORTATION

RCW
47.79.010 Legislative declaration.
47.79.020 Program established--Goals.
47.79.030 Project priority--Funding sources.
47.79.040 Rail passenger plan.

47.79.050	Facility acquisition and management.
47.79.060	Gifts.
47.79.070	Adjacent real property.
47.79.900	Effective date--1993 c 381.

RCW 47.79.010 Legislative declaration.

Applicable Cases

The legislature recognizes that major intercity transportation corridors in this state are becoming increasingly congested. In these corridors, population is expected to grow by nearly forty percent over the next twenty years, while employment will grow by nearly fifty percent. The estimated seventy-five percent increase in intercity travel demand must be accommodated to ensure state economic vitality and protect the state's quality of life.

The legislature finds that high-speed ground transportation offers a safer, more efficient, and environmentally responsible alternative to increasing highway capacity. High-speed ground transportation can complement and enhance existing air transportation systems. High-speed ground transportation can be compatible with growth management plans in counties and cities served by such a system. Further, high-speed ground transportation offers a reliable, all-weather service capable of significant energy savings over other intercity modes.

[1993 c 381 § 1.]

RCW 47.79.020 Program established--Goals.

Applicable Cases

The legislature finds that there is substantial public benefit to establishing a high-speed ground transportation program in this state. The program shall implement the recommendations of the high-speed ground transportation steering committee report dated October 15, 1992. The program shall be administered by the department of transportation in close cooperation with the utilities and transportation commission and affected cities and counties.

The high-speed ground transportation program shall have the following goals:

- (1) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Portland, Oregon by 2020. This would be accomplished by meeting the intermediate objectives of a maximum travel time between downtown Portland and downtown Seattle of two hours and thirty minutes by the year 2000 and maximum travel time of two hours by the year 2010;
- (2) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Everett and Vancouver, B.C. by 2025;
- (3) Implement high-speed ground transportation service offering top speeds over 150 m.p.h. between Seattle and Spokane by 2030.

The department of transportation shall, subject to legislative appropriation, implement such projects as necessary to achieve these goals in accordance with the implementation plans identified in RCW 47.79.030 and 47.79.040.

[1993 c 381 § 2.]

RCW 47.79.030 Project priority--Funding sources.

Applicable Cases

The legislature finds it important to develop public support and awareness of the benefits of high-speed ground transportation by developing high-quality intercity passenger rail service as a first step. This high-quality intercity passenger rail service shall be developed through incremental upgrading of the existing service. The department of transportation shall, subject to legislative appropriation, develop a prioritized list of projects to improve existing passenger rail service and begin new passenger rail service, to include but not be limited to:

- (1) Improvement of depots;
- (2) Improved grade crossing protection or grade crossing elimination;
- (3) Enhanced train signals to improve rail corridor capacity and increase train speeds;
- (4) Revised track geometry or additional trackage to improve ride quality and increase train speeds; and
- (5) Contract for new or improved service in accordance with federal requirements to improve service frequency.

Service enhancements and station improvements must be based on the extent to which local comprehensive plans contribute to the viability of intercity passenger rail service, including providing efficient connections with other transportation modes such as transit, intercity bus, and roadway networks. Before spending state moneys on these projects, the department of transportation shall seek federal, local, and private funding participation to the greatest extent possible. Funding priorities for station improvements must also be based on the level of local and private in-kind and cash contributions.

[1993 c 381 § 3.]

RCW 47.79.040 Rail passenger plan.

Applicable Cases

The legislature recognizes the need to plan for the high-speed ground transportation service and the high-quality intercity rail passenger service set forth in RCW 47.79.020 and 47.79.030. The department of transportation shall, subject to legislative appropriation, develop a rail passenger plan through the conduct of studies addressing, but not limited to, the following areas:

- (1) Refined ridership estimates;
- (2) Preliminary location and environmental analysis on new corridors;
- (3) Detailed station location assessments in concert with affected local jurisdictions;
- (4) Coordination with the air transportation commission on state-wide air transportation policy and its effects on high-speed ground transportation service; and
- (5) Coordination with the governments of Oregon and British Columbia, when appropriate, on alignment, station location, and environmental analysis.

[1993 c 381 § 4.]

RCW 47.79.050 Facility acquisition and management.

Applicable Cases

Subject to appropriation, the department is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant, or exchange, title to or any interests or rights in real property adjacent to or used in association with state intercity passenger rail service which may include, but are not limited to, depots, platforms, parking areas, and maintenance facilities. The department is authorized to contract with a public or private entity for the operation, maintenance, and/or management of these facilities.

[1999 c 253 § 1.]

RCW 47.79.060 Gifts.

Applicable Cases

Subject to appropriation, the department is authorized to accept and expend or use gifts, grants, and donations for the benefit of any depot, platform, parking area, maintenance facility, or other associated rail facility. However, such an expenditure shall be for the public benefit of the state's intercity passenger rail service.

[1999 c 253 § 2.]

RCW 47.79.070 Adjacent real property.

Applicable Cases

Subject to appropriation, the department is authorized to exercise all the powers and perform all the duties necessary, convenient, or incidental to the planning, designing, constructing, improving, repairing, operating, and maintaining real property adjacent to or used in association with the state intercity passenger rail service which may include, but are not limited to, depots, platforms, parking areas, and maintenance facilities, even if such real property is owned or controlled by another entity. However, any expenditure of public funds for these purposes shall be directly related to public benefit of the state's intercity passenger rail service. The department shall enter into a written contract with the affected real property owners to secure the public's investment.

[1999 c 253 § 3.]

RCW 47.79.900 Effective date--1993 c 381.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.

[1993 c 381 § 5.]

Chapter 47.80 RCW

REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS

RCW

47.80.010	Findings--Declaration.
47.80.011	Legislative intent.
47.80.020	Regional transportation planning organizations authorized.
47.80.023	Organization's duties.
47.80.026	Comprehensive plans, transportation guidelines, and principles.
47.80.030	Regional transportation plan--Contents, review, use.
47.80.040	Transportation policy boards.
47.80.050	Allocation of regional transportation planning funds.
47.80.060	Executive board membership.
47.80.070	State-wide consistency.
47.80.900	Severability--1990 1st ex.s. c 17.
47.80.901	Part, section headings not law--1990 1st ex.s. c 17.
47.80.902	Captions not part of law--1994 c 158.
47.80.903	Severability--1994 c 158.
47.80.904	Effective date--1994 c 158.

RCW 47.80.010 Findings--Declaration.

Applicable Cases

The legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve both state-wide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

[1990 1st ex.s. c 17 § 53.]

RCW 47.80.011 Legislative intent.

Applicable Cases

The legislature recognizes that recent legislative enactments have significantly added to the complexity of and to the potential for benefits from integrated transportation and comprehensive planning and that there is currently a unique opportunity for integration of local comprehensive plans and regional goals with state and local transportation programs. Further, approaches to transportation demand management initiatives and local and state transportation funding can be better coordinated to insure an efficient, effective transportation system that insures mobility and accessibility, and addresses community needs.

The legislature further finds that transportation and land use share a critical relationship that policy makers can better utilize to address regional strategies.

Prudent and cost-effective investment by the state and by local governments in highway facilities, local streets and arterials, rail facilities, marine facilities, nonmotorized transportation

facilities and systems, public transit systems, transportation system management, transportation demand management, and the development of high capacity transit systems can help to effectively address mobility needs. Such investment can also enhance local and state objectives for effective comprehensive planning, economic development strategies, and clean air policies.

The legislature finds that addressing public initiatives regarding transportation and comprehensive planning necessitates an innovative approach. Improved integration between transportation and comprehensive planning among public institutions, particularly in the state's largest metropolitan areas is considered by the state to be imperative, and to have significant benefit to the citizens of Washington.

[1994 c 158 § 1.]

RCW 47.80.020 Regional transportation planning organizations authorized.

Applicable Cases

The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes.

[1990 1st ex.s. c 17 § 54.]

RCW 47.80.023 Organization's duties.

Applicable Cases

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive

plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

[1998 c 171 § 8; 1994 c 158 § 2.]

RCW 47.80.026 Comprehensive plans, transportation guidelines, and principles.

Applicable Cases

Each regional transportation planning organization, with cooperation from component cities, towns, and counties, shall establish guidelines and principles by July 1, 1995, that provide specific direction for the development and evaluation of the transportation elements of comprehensive plans, where such plans exist, and to assure that state, regional, and local goals for the development of transportation systems are met. These guidelines and principles shall address at a minimum the relationship between transportation systems and the following factors: Concentration of economic activity, residential density, development corridors and urban design that, where appropriate, supports high capacity transit, freight transportation and port access, development patterns that promote pedestrian and nonmotorized transportation, circulation systems, access to regional systems, effective and efficient highway systems, the ability of transportation facilities and programs to retain existing and attract new jobs and private investment and to accommodate growth in demand, transportation demand management, joint

and mixed use developments, present and future railroad right-of-way corridor utilization, and intermodal connections.

Examples shall be published by the organization to assist local governments in interpreting and explaining the requirements of this section.

[1994 c 158 § 3.]

RCW 47.80.030 Regional transportation plan--Contents, review, use.

Applicable Cases

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of state-wide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing

techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

(3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

[1998 c 171 § 9; 1994 c 158 § 4; 1990 1st ex.s. c 17 § 55.]

RCW 47.80.040 Transportation policy boards.

Applicable Cases

Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making.

[1990 1st ex.s. c 17 § 56.]

RCW 47.80.050 Allocation of regional transportation planning funds.

Applicable Cases

Biennial appropriations to the department of transportation to carry out the regional transportation planning program shall set forth the amounts to be allocated as follows:

(1) A base amount per county for each county within each regional transportation planning organization, to be distributed to the lead planning agency;

(2) An amount to be distributed to each lead planning agency on a per capita basis; and

(3) An amount to be administered by the department of transportation as a discretionary

grant program for special regional planning projects, including grants to allow counties which have significant transportation interests in common with an adjoining region to also participate in that region's planning efforts.

[1990 1st ex.s. c 17 § 57.]

RCW 47.80.060 Executive board membership.

Applicable Cases

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the three largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority.

[1992 c 101 § 31.]

Notes:

Section headings not part of law--Severability--Effective date--1992 c 101: See RCW 81.112.900 through 81.112.902.

RCW 47.80.070 State-wide consistency.

Applicable Cases

In order to ensure state-wide consistency in the regional transportation planning process, the state department of transportation, in conformance with chapter 34.05 RCW, shall:

- (1) In cooperation with regional transportation planning organizations, establish minimum standards for development of a regional transportation plan;
- (2) Facilitate coordination between regional transportation planning organizations; and
- (3) Through the regional transportation planning process, and through state planning efforts as required by RCW 47.01.071, identify and jointly plan improvements and strategies within those corridors important to moving people and goods on a regional or state-wide basis.

[1994 c 158 § 5.]

RCW 47.80.900 Severability--1990 1st ex.s. c 17.

Applicable Cases

See RCW 36.70A.900.

RCW 47.80.901 Part, section headings not law--1990 1st ex.s. c 17.

Applicable Cases

See RCW 36.70A.901.

RCW 47.80.902 Captions not part of law--1994 c 158.

Applicable Cases

Captions used in this act do not constitute any part of the law.

[1994 c 158 § 11.]

RCW 47.80.903 Severability--1994 c 158.

Applicable Cases

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

[1994 c 158 § 12.]

RCW 47.80.904 Effective date--1994 c 158.

Applicable Cases

This act shall take effect July 1, 1994.

[1994 c 158 § 13.]

**Chapter 47.82 RCW
AMTRAK**

RCW

47.82.010	Service improvement program.
47.82.020	Depot upgrading.
47.82.030	Service extension.
47.82.040	Coordination with other rail systems and common carriers.
47.82.900	Construction--Severability--Headings--1990 c 43.

RCW 47.82.010 Service improvement program.

Applicable Cases

The department, in conjunction with local jurisdictions, shall coordinate as appropriate with the designated metropolitan planning organizations to develop a program for improving Amtrak passenger rail service. The program may include:

- (1) Determination of the appropriate level of Amtrak passenger rail service;
- (2) Implementation of higher train speeds for Amtrak passenger rail service, where safety considerations permit;
- (3) Recognition, in the state's long-range planning process, of potential higher speed intercity passenger rail service, while monitoring socioeconomic and technological conditions as indicators for higher speed systems; and
- (4) Identification of existing intercity rail rights of way which may be used for public transportation corridors in the future.

[1990 c 43 § 36.]

RCW 47.82.020 Depot upgrading.

Applicable Cases

The department shall, when feasible, assist local jurisdictions in upgrading Amtrak

depots. Multimodal use of these facilities shall be encouraged.

[1990 c 43 § 37.]

RCW 47.82.030 Service extension.

Applicable Cases

(1) The department, in conjunction with local jurisdictions, shall coordinate as appropriate with designated metropolitan and provincial transportation organizations to pursue resumption of Amtrak service from Seattle to Vancouver, British Columbia, via Everett, Mount Vernon, and Bellingham.

(2) The department, in conjunction with local jurisdictions, shall study potential Amtrak service on the following routes:

(a) Daytime Spokane-Wenatchee-Everett-Seattle service;

(b) Daytime Spokane-Tri-Cities-Vancouver-Portland service;

(c) Tri-Cities-Yakima-Ellensburg-Seattle service, if the Stampede Pass route is reopened; and

(d) More frequent Portland-Vancouver-Kelso-Centralia- Olympia-Tacoma-Seattle service or increments thereof.

[1990 c 43 § 38.]

RCW 47.82.040 Coordination with other rail systems and common carriers.

Applicable Cases

The department, with other state and local agencies shall coordinate as appropriate with designated metropolitan planning organizations to provide public information with respect to common carrier passenger transportation. This information may include maps, routes, and schedules of passenger rail service, local transit agencies, air carriers, private ground transportation providers, and international, state, and local ferry services.

The state shall continue its cooperative relationship with Amtrak and Canadian passenger rail systems.

[1990 c 43 § 39.]

RCW 47.82.900 Construction--Severability--Headings--1990 c 43.

Applicable Cases

See notes following RCW 81.100.010.

**Chapter 47.98 RCW
CONSTRUCTION**

RCW	
47.98.010	Continuation of existing law.
47.98.020	Provisions to be construed in pari materia.
47.98.030	Title, chapter, section headings not part of law.
47.98.040	Invalidity of part of title not to affect remainder.

47.98.041	Severability--1963 ex.s. c 3.
47.98.042	Severability--1965 ex.s. c 170.
47.98.043	Severability--1967 ex.s. c 145.
47.98.044	Severability--1967 c 108.
47.98.045	Severability--1969 ex.s. c 281.
47.98.050	Repeals and saving.
47.98.060	Emergency--1961 c 13.
47.98.070	Federal requirements.
47.98.080	Severability--1977 ex.s. c 151.
47.98.090	Liberal construction.

RCW 47.98.010 Continuation of existing law.

Applicable Cases

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1961 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: PROVIDED, That this act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1959 and ending June 30, 1961.

[1961 c 13 § 47.98.010.]

RCW 47.98.020 Provisions to be construed in pari materia.

Applicable Cases

The provisions of this title shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 46 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

[1961 c 13 § 47.98.020.]

RCW 47.98.030 Title, chapter, section headings not part of law.

Applicable Cases

Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

[1961 c 13 § 47.98.030.]

RCW 47.98.040 Invalidity of part of title not to affect remainder.

Applicable Cases

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

[1961 c 13 § 47.98.040.]

RCW 47.98.041 Severability--1963 ex.s. c 3.

Applicable Cases

If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

[1963 ex.s. c 3 § 57.]

RCW 47.98.042 Severability--1965 ex.s. c 170.

Applicable Cases

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

[1965 ex.s. c 170 § 70.]

RCW 47.98.043 Severability--1967 ex.s. c 145.

Applicable Cases

If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1967 ex.s. c 145 § 73.]

RCW 47.98.044 Severability--1967 c 108.

Applicable Cases

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

[1967 c 108 § 14.]

RCW 47.98.045 Severability--1969 ex.s. c 281.

Applicable Cases

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

[1969 ex.s. c 281 § 64.]

RCW 47.98.050 Repeals and saving.

Applicable Cases

See 1961 c 13 § 47.98.050.

RCW 47.98.060 Emergency--1961 c 13.

Applicable Cases

This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately: PROVIDED, That the effective date of sections *47.16.160, 47.20.110, and 47.20.380 shall be July 1, 1961.

[1961 c 13 § 47.98.060.]

Notes:

***Reviser's note:** RCW 47.16.160, 47.20.110, and 47.20.380 were repealed by 1970 ex.s. c 51.

RCW 47.98.070 Federal requirements.

Applicable Cases

If any part of this title or any section of *this 1977 amendatory act is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any department or agencies thereof, such conflicting part or section is declared to be inoperative solely to the extent of the conflict. No such ruling shall affect the operation of the remainder of the act. Any internal reorganization carried out under the terms of this title or any section of *this 1977 amendatory act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

[1977 ex.s. c 151 § 76.]

Notes:

***Reviser's note:** This 1977 amendatory act [1977 ex.s. c 151] consisted of the enactment of new sections codified as RCW 1.08.120, 41.06.079, 47.01.011, 47.01.021, 47.01.031, 47.01.041, 47.01.051, 47.01.061, 47.01.071, 47.01.081, 47.01.091, 47.01.101, 47.01.111, 47.01.121, 47.01.131, 47.01.250, 47.04.015, 47.04.150, 47.68.015, 47.98.070, 47.98.080, and 47.98.090, new sections 12, 14, 15, 16, 17, and 25 which were not codified but appear as footnotes to certain of the above sections, the amendment of RCW 43.17.010, 43.17.020, 43.63A.070, 46.44.080, 46.44.090, 46.44.091, 46.44.092, 46.44.095, 46.61.405, 46.61.410, 46.61.415, 46.61.425, 46.61.430, 46.61.450, 46.61.570, 46.61.575, 46.68.120, 47.01.070, 47.05.020, 47.05.030, 47.05.070, 47.12.010, 47.12.060, 47.12.070, 47.12.080, 47.12.120, 47.12.130, 47.12.140, 47.12.150, 47.12.190, 47.12.200, 47.12.220, 47.24.010, 47.26.140, 47.28.010, 47.36.020, 47.36.030, 47.52.027, 47.52.139, 47.52.150, 47.52.180, 47.56.030, 47.56.070, 47.56.080, 47.56.090, 47.56.120, 47.56.250, 47.56.254, 88.16.010, 88.16.020, and 91.12.050 (recodified as RCW 47.72.050), the repeal of RCW 14.04.030, 14.04.040, 14.04.050, 47.01.010, 47.01.020, 47.01.030, 47.01.040, 47.01.050, 47.01.060, 47.01.080, 47.01.090, 47.01.100, 47.01.110, 47.01.120, 47.01.130, 47.01.160, 47.56.034, 91.12.020, 91.12.030, and 91.12.040, and directed the recodification of chapters 14.04 and 91.12 RCW as new chapters in Title 47 RCW.

RCW 47.98.080 Severability--1977 ex.s. c 151.

Applicable Cases

If any provision of *this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1977 ex.s. c 151 § 77.]

Notes:

***Reviser's note:** For translation of "this 1977 amendatory act," see note following RCW 47.98.070.

RCW 47.98.090 Liberal construction.

Applicable Cases

The rule of strict construction shall have no application to this title, and it shall be liberally construed in order to carry out the objectives for which it is designed. Any ambiguities arising from its interpretation should be resolved consistently with the broad purposes set forth in *RCW 47.01.011.

[1977 ex.s. c 151 § 78.]

Notes:

***Reviser's note:** RCW 47.01.011 was decodified pursuant to 1985 c 6 § 26.

**Title 48
INSURANCE**

RCW

- 48.01 Initial provisions.**
- 48.02 Insurance commissioner.**
- 48.03 Examinations.**
- 48.04 Hearings and appeals.**
- 48.05 Insurers--General requirements.**
- 48.06 Organization of domestic insurers.**
- 48.07 Domestic insurers--Powers.**
- 48.08 Domestic stock insurers.**
- 48.09 Mutual insurers.**
- 48.10 Reciprocal insurers.**
- 48.11 Insuring powers.**
- 48.12 Assets and liabilities.**
- 48.13 Investments.**
- 48.14 Fees and taxes.**